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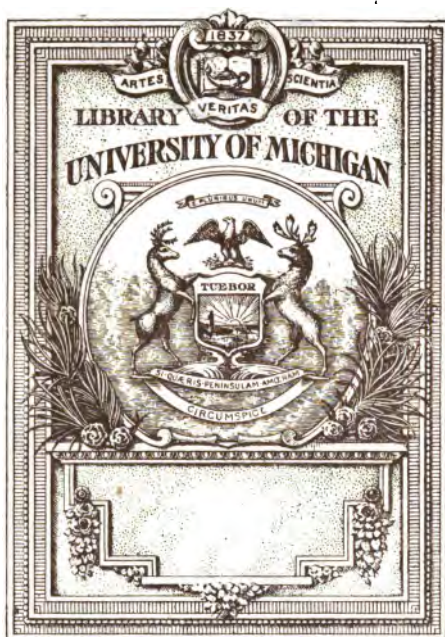
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[The page contains extremely faint, illegible text, likely bleed-through from the reverse side. The text is arranged in several paragraphs, but the characters are too light to transcribe accurately.]

THE PORTFOLIO.

DIPLOMATIC REVIEW.



(New Series.)

“Of Law, no less can be said than that her seat is the bosom of God, her voice the harmony of the World. All things in Heaven and Earth do her homage: the very least, as feeling her care; the greatest, as not exempted from her power.”

Hooker's Ecclesiastical Polity.

—τοῦτο ταις ὁλλαις ἀρεταῖς τὴν δύναμιν παρῆσχε.

PLATO.

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1843.

THIS Periodical will be devoted to matters of Government and Justice. It is undertaken by men who deplore the heedlessness of their fellow-citizens in respect to the nation's acts and their own duties, separating the Commonwealth into parts, calling one internal, one foreign, one domestic, and one colonial.

The endeavour, through the means of this publication, will be to show that the LAWS of England still suffice to rectify the evils of the State, and to prevent its further decay.

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[The passages suppressed in the former publication of this Despatch, and now added, are printed in larger type.]

COPY OF A DESPATCH FROM PRINCE LIEVEN, AND COUNT MATUSZEVICH, ADDRESSED TO COUNT NESSELRODE, DATED LONDON, 1ST (13TH) JUNE, 1829.

THE Courier, bearer of your Excellency's despatches of the 20th May (1st June), arrived here on the 26th—(7th) of the same month.

We waited his arrival with the greatest impatience, as, at the approach of the moment when the Session of Parliament was to close, the English Ministry manifested a daily increasing desire to know if the Protocol of the 21st April would obtain the approbation of the Emperor, and if His Imperial Majesty would consent to modify the extension which Rear Admiral Ricord has just given, to the blockade of the Dardanelles.

These two circumstances could not but materially influence the speech at the close of the Session; and Lord Aberdeen, urged by the Duke of Wellington, had frequently insisted, in his confidential interviews both with ourselves and with the Charge d'Affaires of France, on the necessity of a Protocol which should emancipate the British Government from the embarrassments occasioned to it, by the blockades of the coasts of Roumelia. Although he had always expressed himself on this subject with great moderation,—although M. de Roth had

received a positive order to represent to him that the Cabinet of the Tuilleries considered any new Protocol entirely useless ; and that on our side in developing the same opinion we had proved to him, that before the return of our courier, it would be impossible to hold a positive language on matter of so delicate a nature ; we had every reason to think that there might be great inconvenience in prolonging these delays too far ; and that the Ministry, ignorant whether it ought to publish our blockades, and to render them binding on all the subjects of His Britannic Majesty ; or, whether it ought to calm the uneasiness and jealousy which measures of this kind create here, would not delay to demand of us precise answers, *equally difficult to give and to refuse*.

Your Excellency's courier has put an end to this unpleasant alternative ; and we have applied ourselves, without loss of time, to fulfil the orders which he brought us.

We could not conceal from ourselves that the idea of the blockade of Enos would bring on some discussion with the Cabinet of London ; that it would not correspond with their hopes ; that the public press would seize the opportunity to excite against us anew the passionate sentiments which animate the British nation, the moment any question arises of sea and commerce ; and that this discussion might re-awaken the dormant question, of the exercise of our Belligerent Rights in the Archipelago ; nevertheless, in order not to make any concessions without an evident necessity, and above all, with a view to contribute as much as possible to the realization of the wishes of His Imperial Majesty, we resolved to insist on the blockade of Enos, to develop the motives which told in its favour, and not to make use of our power to cede

this point, until the moment when such a decision would become indispensable, in order to prevent interests of a higher order from being compromised.

The Duke of Wellington was informed the first verbally of the resolutions and the desires of the Emperor. He learnt with a visible satisfaction that His Majesty had deigned to confirm the protocol of the 21st April, and directed instructions to be expedited to Count Heyden, strictly analogous to the tenor of that act. The same sentiments manifested themselves in him on receiving the intelligence of the raising of the blockade of Contessa ; and at the first moment the blockade of Enos, without obtaining his definitive assent, did not call forth any observations in him.

We had the next day a conference with Lord Aberdeen. This Minister, after having listened with lively attention to the perusal of the ostensible despatch of your Excellency of the date of 20th May, (1st June,) and of your instructions to the Commander of the Naval forces of the Emperor in the Mediterranean, did not hesitate to declare to us, that if he had drawn up himself these two documents, he could not have rendered them more conciliatory, or better adapted to maintain a happy concert between

Russia and England, and that he would only have desired a single word less, and it was that of Enos.

The discussion was then opened. We represented to Lord Aberdeen that, on the one hand, the Gulf of Enos joined that of Saros; and that it was as necessary to blockade the former as the latter, in order to impede the provisioning of Constantinople; that, on the other hand, Adrianople equally drew its supplies from the Gulf of Enos; and that we must consider it as essential, never to allow any supplies to reach the army encamped in the environs of this latter city. That thus this operation offered us a double advantage. That, in consequence of the proximity of the point, it ought to be considered as the inevitable consequence of the blockade of the Dardanelles. Besides, we explained that, in reality, this blockade was not a blockade in the strict acceptation of the term; and that it did not impose any loss on commerce; in fact, the commerce exported from Turkey continued with unrestrained liberty; and never, or hardly ever, had any corn been imported into it from the Mediterranean. Such importation could only take place during war, but the commerce of peace, the usual commerce of the Levant, would not be subjected to any restriction in consequence of our blockades, and, therefore, offered no motive of legitimate objection. The considerations of commercial interest were not therefore applicable to our measures, we confined them *au reste* to the narrowest circle; and we had every reason to believe, that so moderate, so generous a policy, would be appreciated by a Government like that of Great Britain.

Lord Aberdeen did not contest to us in any way the right of blockading the Gulf of Enos. According

to him, however, this blockade could not be looked upon as an inevitable consequence of the blockade of the Dardanelles. The Gulf of Saros ought to be included in it, because it might serve for a place of refuge for vessels, which, from its convenient station, might escape from the vigilance of our cruisers. Such was not the case in respect to Enos. Vessels that would leave that port with the intention of entering the Dardanelles, could not escape our cruisers before Saros ; Enos was, besides, in communication direct, not with Constantinople, but with Adrianople. Thus, the blockade in question would be a new blockade. The English Government would make no difficulty in recognizing it.* But to recognize it, it was necessary that it should be officially published in the Gazette of London, or to indemnify the merchants whose speculations would be interrupted by our warlike measures ; that he could not of course contract the second of these obligations, and that, in filling the first, he would cause to be renewed the violent declamations against Russia, and inconvenient remarks regarding

* The understanding having been come to between the two Governments, that Russia should not exercise belligerent rights in the Mediterranean !

our war, and appeal to the passions that he had deplored on a former occasion. These attacks would be, perhaps, unjust; but, unhappily, they were in the nature of things in England. He saw, then, a real danger in disturbing these questions, and he ardently desired to put them aside, in order not to be obliged to have to reply to the reproaches that would infallibly be addressed to the Cabinet upon the weakness of its policy. And finally, he wished to avoid entering into disagreeable discussions touching a subject too delicate, and thereby not to compromise, in spite of himself, the friendly character of the relations between Great Britain and His Majesty the Emperor.

We insisted, nevertheless, upon the demand that we were charged to sustain, observing to Lord Aberdeen, that a publication in the London Gazette appeared to us useless,* and that he would be considered as asking from us the extension which Russia did give to the blockade of the Dardanelles, and that then we would officially reply to him that Russia confined the blockade to the Gulf of Saros and Enos, and

* This suggestion of dispensing with the formalities belonging to the British Constitution soon became the rule.

that that declaration would contribute to give confidence to commerce in respect to the blockade of Smyrna or other ports of Levant, and that, instead of publishing this declaration in the London Gazette, it would suffice to cause this reply to be circulated amongst the merchants of the capital, because then they could not use the pretext of ignorance.

Lord Aberdeen replied to us, that the English tribunals would not admit of this middle term ; that the law was positive, and that without the official publication in the "London Gazette," the Government would be condemned to the payment of costs and interest to the injured parties, (and his statement is correct.) He begged of us to consider once more, that before it could be raised, the blockade of Enos would already have produced its effects. Nevertheless, he declared to us, that he would examine the matter with the most lively desire to find great expedients to assist it, and that he would speak of it to the Duke of Wellington.

The tone of this conference was sincerely friendly. The discussion never ceased to be calm, and was far from rising to those recriminations that we had so often listened to. Lord Aberdeen took pleasure in rendering justice (*se plut à rendre une eclatante*

justice,) to the sentiments of the Emperor, and the language of his Cabinet.

This first interview seemed to leave us some hope to attain to a satisfactory result; nevertheless, the following day fixed for the reply of Lord Aberdeen, that minister sent to inform us, that before giving that reply, he thought it advisable that we should see the Duke of Wellington himself.*

This delay was not of good augur. We, therefore, prepared ourselves for a serious discussion with the First Lord of the Treasury.

The *début* was not agreeable. Before entering into the subject, the first minister informed us, that the night before he had received intelligence of another blockade, that the Count Heyden had established. He shewed us two letters of that Admiral, one addressed to Count Dandolo, and the other to Sir Pul-

* Here it was a question between Russia and Turkey. Russia's emissaries are thus admitted into the intimacy of the British Minister. There are no counter representations from the aggrieved party. This is again a question between foreign aggressions upon British commerce, and English laws and rights. The English Ministers are acted upon by the secret words and influences of the aggressor; there are none to assert the laws, and none to represent the rights of England, in these secret conclaves, where England is given away by whispers.

teney Malcolm, announcing the blockade of the Bay of Adramiti, in the neighbourhood of Smyrna. It was easy to prove to the Duke of Wellington, that seeing the instructions sent to Count Heyden by the Imperial Ministry, this incident merited no attention, as the blockade of Adramiti, together with that of the Gulf of Contessa, would be raised, and that the only question was, respecting the blockade of Enos. "Then," said the Duke of Wellington, "that blockade* must be notified officially. We will announce it in the "Gazette of London," because it springs from a right that we do not pretend to contest, and it is effective; it, therefore, fulfils the required conditions; but it will place all in a disagreeable position—this blockade is evidently directed against Adrianople. It is connected with the operation of Russian armies against that town.

* The efficiency of the blockade would have to be raised in a court of justice; but it had nothing to do with the insertion in the Gazette. That insertion depended on its lawfulness. England cannot suffer its vessels to be captured by a Foreign State, except in prosecution of lawful war, and that is the intention and value of a proclamation in the Gazette. In the present case, putting aside the origin and objects of the war, a special renunciation had been made by Russia of belligerent rights in the Mediterranean.

These operations may bring the fall of the Ottoman Empire ; and, nevertheless, we will have recognised it. It will then escape no one, that we contribute to events that it is essential for us to prevent. Our situation will thereby become more difficult, and will present itself under a new aspect. We would be then obliged to examine it, to understand where we are, as between you and the Turks, where the execution of the Treaty of London conducts us. The Emperor has not informed us exactly, (*n' a pas fait connaitre au juste,*) of his intentions respecting the means of terminating this war. We find ourselves in darkness. It is necessary for us, therefore, to consider the future in its possible phases, and it is what we will do when you have notified to us the maintenance of the blockade of Enos."

This declaration, by which the Duke of Wellington seemed to have expected to alarm us, we met with an exposition of the acts and the words of the Emperor. We repeated what His Imperial Majesty *had not ceased to say*, respecting the fall of the Ottoman Empire. His language, full of moderation, his measures always adopted under the same influence, the concessions made by him to even the most gratuitous alarms, the guarantees offered even by the last communications of his ministers ; and *the necessity under which we should be to interpret, in an unpleasant manner, the uneasiness, the fostering of which was persisted in,*

notwithstanding so many motives of confidence. Resuming, then, the question of the blockade of Enos, and allowing *the care to be appreciated*, which the Emperor took to discuss it with his allies, and to make known the true aim of his determination, we applied ourselves to reproduce on this subject all the arguments that had appeared two days before to shake Lord Aberdeen. They had not the same success with the Duke of Wellington, who limited himself to repeating, according to his custom, that which he had already said, and returned to his thesis of the probable destruction of the Ottoman Empire, and persisted in declaring that in recognizing the blockade of Enos he would be obliged to examine in council the whole position of England. We then thought it useful to let him perceive, without any reserve, that much as the Emperor was disposed to concert with his allies, and much as he was desirous of spontaneously making every sacrifice compatible with his interests, when asked of him in friendship, he was equally resolved never to suffer any compromise of his dignity, never to yield to threats, and never, indeed, to admit them. We added, that such means, united with unjust suspicions, would lead to incalculable consequences. A long pause followed this declaration, which the Marshal did not appear to have foreseen. He recovered himself at last, and changing his tone and his manner, assured us that if we had attributed to him the idea of distrust or of threat, we had

fallen into a great error ; that such had never been, and never would be his intention ; that he had the highest opinion of the good faith of the Emperor ; that he placed an entire confidence in his words, that nevertheless in a country like England, where everything was responsibility, and where every one pretended to understand and to judge foreign policy, a statesman could not be content with words alone, but must also consider and foresee events ; that his firm decision was always to preserve relations of reciprocal friendship between the two Courts ; that he had only expressed his *personal* (*sic*) opinions in order to warn us as an honest man of the difficult position in which we placed him : that he was far from wishing to say besides, that the result of such an examination* as that of which he had spoken must necessarily be to change the actual relations between Russia and England, but that he had strong reasons for desiring that even this simple examination should not take place, that

* Qu'il était loin de vouloir dire au reste, que le résultat de l'examen dont il avait parlé dût être de changer les rapports actuels de la Russie et de l'Angleterre, mais qu'il avait de fortes raisons pour désirer que même ce simple examen n'eût pas lieu.

he did not wish to have disagreeable questions to address to us, but he prayed us earnestly to consider whether it would not be more useful to allow things to remain upon the footing on which they were, without provoking by the announcement of a new blockade such an exasperation as that which he had had to deplore the former year, and to which it was necessary to avoid furnishing new element ; that people were in England of an extreme jealousy and susceptibility respecting maritime questions ; that he did not pretend to question our right to blockade Enos and all the coast of Roumeli, but that at present Adrianople was provisioned by the new harvests without the assistance of the Gulf, and from that moment the importance of the blockade was singularly diminished for us,* and that it would be better if it was indispensable to resume it at another period, but for the moment to avoid the grave embarrassment which would result from it to the cabinet of His Britannic Majesty.

“ It is then a proof of friendship and a testimony
“ of regard for your position that you request from
“ us, Monsieur le Duc, and that such sentiments

* So that all the Duke of Wellington's arguments had reference to Russia's attaining her ends.

“ as these our august master may accept, but he
“ would require to know that the dispositions with
“ which they would inspire him should not be mis-
“ taken.”

“ You may assure, Gentlemen, his Imperial Ma-
“ jesty,” resumed the Duke, “ that if he consents to
“ raise the blockade of Enos, we will be exceedingly
“ obliged to him.—That we will be very grateful to
“ him. I have the conviction that an intimate friend-
“ ship between England and Russia is infinitely
“ desirable. I give you my word upon it. We will
“ return confidence for confidence, and if it pleases
“ the Emperor to allow us to know something of
“ his intentions for the future, believe me that you
“ will make this revelation to friends, and we will
“ take care that nothing of it shall ever transpire.”*

* “ C’est donc une preuve d’amitié, et un témoignage
“ d’égards pour votre position que vous demandez M. le
“ Duc. Notre auguste maître peut accueillir des vœux
“ semblables, mais il aurait besoin de savoir que les sen-
“ timens et les décisions qu’ils lui dicteraient, seraient
“ appréciés à leur juste valeur.”

“ Vous pouvez Messieurs, assurer Sa Majesté Impe-
“ rial, reprit le Duc que si Elle consent à lever le blocas
“ d’Enos, nous y serons extrêmement sensibles que nous
“ lui en serons très reconnaissans. J’ai la conviction
“ qu’une amitié intime entre l’Angleterre et la Russie est

These protestations were followed by several others in the same sense. When the Duke learnt that under such auspices we consented to the levying of the blockade of Enos, the conference terminated itself in the most amicable manner.

The Duke went so far as to declare, with surprise mingled with eulogy, that our marine, in maintaining the blockade of the Dardanelles, had executed an operation declared impossible by one of the first naval men in England.

The conversation with Lord Aberdeen, which took place some hours later, was not less remarkable. As he was acquainted only imperfectly with our conversation with the first minister, he laboured, when he learnt the details of it, to soften the disagreeable impressions that might have been left upon us by his language at the commencement of it, by the reiterated assurance that at no period had it entered into the intentions of England to seek a

“infiniment desirable. Je vous en donne ma parole
“ Nous rendrons confiance pour confiance, et s’il plait à
“ l’Empereur de nous faire connaître quelque chose de ses
“ intentions pour l’avenir, croyez que vous les reverilez à
“ des amis, et que nous saurons faire en sorte qu’il n’en
“ transpire jamais rien.”

quarrel with Russia;* that if the Ministry had sought to induce us not to insist upon the blockade of Enos, it was in the full desire to prevent unfortunate reclamations, and to cement the good intelligence between the two Cabinets, that we should have to congratulate ourselves more than perhaps we were aware (!) on the benefits we received from that happy and constant concurrence. He was flattered that he should place the maintenance of that harmony higher than the momentary advantages that the blockade of the Gulf of Enos would have offered to us,† but he feared that the position of the English Ministry was not well understood at St. Petersburg. They attributed to malevolent intentions, and to hostile views, the difficulties that he sometimes raised, as in the matter that had just been terminated, whilst these intentions and these *arrières pensées* were very far from his spirit, and from his policy. But, on the other hand, he found himself in a delicate situation. Public opinion was always ready to burst forth against us (Russia). The Government (British) could not constantly

* "Seek a quarrel with," is equivalent to "preserve a right against."

† "Le jeu est *trop* facile."

brave it, and it would be dangerous to excite it on questions (of maritime law) that touched so nearly the national prejudices. On the other side we could reckon with an entire confidence upon the well-disposed (*bienveillantes*) and friendly dispositions of the English Ministry, which struggled against them (the national prejudices).

I know, I replied, the weight of public opinion in England, and I have seen it change in a few days. It is against us in our war because it thinks us aggressors, whilst we have been attacked; because it imputes to us the idea of overthrowing the Ottoman Empire, whilst we *declare* that such is not our object, because, finally, it believes that we pursue an ambitious policy against which *we ourselves protest*. To enlighten it on this point would be the surest way to correct it. Lord Aberdeen replied to me, that the matter was not exactly as I represented; public opinion was pronounced against us, because generally in England it took with ardour the side of the Whig—but, *au reste*, the British Cabinet was far from not wishing us success; on the contrary, it wished us success, prompt and decisive, because it knew that it was the only means of terminating the war, which could not be regarded, except as a great misfortune, since it was impossible to foresee its results.

I replied, that in no war in the world had all the

results been calculated beforehand, for they depended on the fortune of arms. But the declarations of the Emperor sufficiently made known the views which animated him. The pecuniary indemnities which he should claim would be nothing exorbitant—nothing surpassing the means of accommodation, which the Porte could reasonably offer. With respect to the guarantee of the free passage of the Bosphorus, it constituted one of our necessities, for, in fine, the free navigation of the Bosphorus, and the prosperity of a part of the domains of the Emperor, were united by an indissoluble link. We could not permit the caprice of a vizier, of a favourite, or of a sultana, to arrest at will the whole movement of commerce, the whole progress of public and private industry in many of our provinces. We could not place such interests at the discretion of a *barbarous* government, but these interests were not our's. The liberty of commerce in the Black Sea was equally important to all other European Powers, and especially to England. Thus, far from having to object to our demands, one could not help finding them, on examination, both *useful* and *just*. Lord Aberdeen did not proceed from this truth, but whilst protesting that he was the first to recognize how satisfactory our language and our diplomacy had been, he expressed the fear that by the general character of our declarations, we had not left much that was vague in the minds of men.

It was to be apprehended that events would carry the Emperor beyond the limits which he had prescribed to himself, which would occasion a convulsion in Europe. My replies had for their object to prove that the case was

inadmissible. I declared that I could only imagine such events by pushing *suppositions beyond all probability*. Lord Aberdeen was not ignorant that the Emperor *would then be under an obligation to consult his allies, and that a definitive state of things would not be established without their assent and concurrence*. I took advantage of this opportunity to remark to Lord Aberdeen, that from the moment that justice was rendered to our policy, it would be right to manifest it publicly, and to abstain from all the direct and indirect measures, which make people *believe in too favourable a disposition* on his part towards the Porte, and which thereby *encouraged its resistance*. We had never uttered a syllable of complaint on this head, but it would be easy for us to prove that more than one step had necessarily produced this effect, and we had at least a right to expect these incidents would not be again renewed. The English Minister entered into long deductions to demonstrate that we lent to him intentions that he could not have, and ended by saying that the Cabinet of London desired that the war should be terminated TO THE HONOUR AND ADVANTAGE OF RUSSIA.

I replied to him, that we ourselves had no other desire but this. And we then agreed that I should address to him some words of official writing, to put him in possession of the definitive resolutions of his Imperial Majesty.

We have been anxious not to leave your Excellency in ignorance of the details of these interesting conversations.

Persuaded that at the present moment our first interest is to preserve, as long as possible, the last remains of the alliance established by the Treaty of July 6, to gain time, and to strengthen the security which our military operations require, we have not hesitated a moment to take advantage of the powers with which we were furnished, in order to obtain these major results by the sacrifice of a blockade of no relative importance.

We shall add that, in meditating this language of the Duke of Wellington and of Lord Aberdeen, it reveals the apprehension of the embarrassments which would be raised by any parliamentary discussion,* and the not less real fear of seriously indisposing us. The Prime Minister made the *amende honorable* as soon as he perceived that his words and his bravadoes would only serve to trouble

* It may be worth while to beg, here, the reader to observe that while he in England thinks only of elections and majorities deciding the course of events, that even so far back as the period to which we refer, a few deceptive words of a Foreign Minister, whispered in Downing Street, are, to the minds of an English Ministry, equivalent to the sum of their internal difficulties. Here observe, there was no external difficulty, that Russia was struggling for her very life, and that the slightest manifestation on the part of England might have brought upon her defeat; that the escape of the Duke of Wellington or of Lord Aberdeen separately from the control of her misrepresentations, must have rendered Russia as subservient to England, for any purpose, as England became subservient to her; and internally embarrassed, because neither of her Ministers was able intellectually to cope with the ambassadors which Russia had at the Court of London.

that peace which is necessary to him. It is perceptible that he avoids and even dreads the examination of the situation in which he stands, and that, according to his custom, he confides to events the care of overcoming difficulties. But the more this situation is critical, the more it would enter into his character to turn to profit the slightest incident to emerge from it by a *coup d'éclat*. Singular combination of timidity and audacity—the Duke of Wellington provokes often the chances which he apprehends, and thenceforth he confronts them without calculating the real consequences of his determinations. It would have been the more imprudent to irritate him after his protestations and his excuses, in refusing him this puny concession, as the question of the blockade really does excite the opinion of England against us, wounds the national pride, and imposes silence on those who are disposed to defend us. The news that Count Pozzo Di Borgo has sent us on the position of the French Ministry, which is every day more and more uncertain, has also led us not to alienate from us completely the Cabinet of London before the epoch when the answers from Constantinople would leave us no other alternative. Finally, every thing proves more than ever that the general tranquillity will be maintained in spite of the

* On voit qu'il écarte et redoute même l'examen de la situation où il se trouve, et que suivant sa coutume il charge les événemens du soin d'applanir les difficultés. Mais plus cette situation est critique, plus il entrerait dans son caractère de mettre à profit le plus léger incident pour en sortir, par un coup d'éclat. Singulier mélange de timidité et d'audace, le Duc de Wellington provoque souvent les chances qu'il appréhende, et dès lors il les affronte, sans calculer les vrais suites de ses déterminations.

faults and the passions of the Duke of Wellington. *The cry of Peace* has resounded in the Lower House, and has been unanimously repeated there by the Tories as well as by the Whigs. Your Excellency will have remarked that the Ministry has not dared to answer either to that part of the observations of Sir James Mackintosh relative to the DANGER of *any guarantee in favour of the Ottoman Territory*, nor to the speech in which Lord Palmerston, whose name is henceforward associated with those of the first orators of the Parliament of England has insisted on the preservation of the general peace, and *proved that an Austro-Turkish policy would only serve to disturb it*. Messrs. Brougham and Baring have spoken in the same sense, amidst the "hears" of the House, and it is probable that, aided by our moderation, this salutary disposition will make every day new proselytes.

It will not escape your Excellency, that the Duke of Wellington and Lord Aberdeen have put every thing in motion to extort from us *confidences* as to the conditions of our future peace with the Turks. It appeared to us useful to repeat the assurances which on this point all the declarations of the Emperor contained, and even to add some developments to them. We shall confine ourselves to these generalities, for every circumstantial communication on a subject so delicate would draw down real dangers, and if once we discuss with our Allies the articles of a Treaty with the Porte, we shall only content them when they would have believed that they had imposed upon us irreparable sacrifices. It is in the midst of our camp that peace must be signed, and it is when it shall have been concluded that Europe must know its conditions. Remonstrances will then be too late, and it will then patiently suffer what it can no longer prevent.

We cannot doubt that such will be the result of our

campaign. The British Ministry can undertake nothing without our furnishing it with motives by alarming operations in the Mediterranean. Our security is complete—our forces are immense. It remains, therefore, only to combine them all, and to employ them with energy on the theatre of the war. It will be there that we shall conquer all our known and secret foes,—there we shall obtain that consideration which is our due,—there, finally, we shall confirm the influence of Russia on the internal and external repose of the rest of Europe. It would be dangerous, on the other hand, to dissemble to ourselves that these ends, easy of acquisition in 1829, RISK BECOMING PROBLEMATIC AND EVEN IMPOSSIBLE IN 1830.

We have the honour to be, &c.

CONNEXION OF THE TARIFF AND THE REPEAL.

THE late change in our Tariff has been peculiar in its pressure upon Ireland and that in a two-fold manner, by diminishing its sales and augmenting its obligations. The encreased importation into England of agricultural produce from foreign countries has interfered with that from Ireland. The new tariff by diminishing the price of goods has raised the value of money. The position of rent-paying Ireland is therefore relatively worse than that of any other portion of the Empire. A measure which slightly relieves the rest of the Empire acts upon Ireland in an opposite sense ; simultaneously entailing on it the diminution of its exports and the exhaustion of its resources. But as disease flies to the weak part, any pressure affecting the Empire at large, would have produced in Ireland effects not elsewhere to be apprehended in the exasperation of pre-existing maladies, designated religious and political. How much more then must these be urged into activity by a pressure of which Ireland bears peculiarly the weight? Here is the explanation of the sudden change in the aspect of that country. Here, too, are the grounds on which the calculation of those is based, who have formed the plan and selected the moment for agita-

ting her. When Sir R. Peel's Currency Bill of 1819 was decided upon Mr. O'Connell exclaimed, "This gives me Catholic Emancipation!" The same process of reasoning must have made him exclaim on glancing at Sir R. Peel's tariff, "This gives me Repeal."

The Government, whose acts unconsciously produce these results, will now proceed to meet them by means and restraints that have no hold over their causes, and no analogy with their action;—legislative enactments, coercive measures,—these to be followed by armies, perhaps presently by the scaffold.

The same causes are in operation in Ireland and Wales, and there the same results have appeared. In Ireland the farming class hitherto disassociated from Repeal agitations, have therein recently taken a part. These have been added to the elements of convulsion without the labouring population, which has somewhat benefited, being gained. So also in Wales, the farming population have contributed their share of disaffection, produced throughout the mining classes from the growing and inevitable pressure to which they are subject, and must be progressively subjected, by the threatening and irreparable changes in the Iron trade.

The Tariff brings disaffection; no sooner is the child brought forth, than the parent is forgotten. But what brought the tariff? great and expensive crimes called "foreign affairs." They brought forth the tariff. When you had the

tariff *they* were forgotten. Mismanagement and crimes bring defalcation of revenue, defalcation of revenue brings projects of financial change, financial change brings internal convulsion. But the men of England would laugh at any body who told them that the Repeal had its origin in the Foreign Office.

Such would be the course of events without there being therein the hand of a man, and without there being a maleficent intelligence watching to prepare the means and to profit by the occasion. But Britain, barren in talents that can save, is fruitful in intelligence that can ruin. There is a human intelligence to tend and to water the seeds of convulsion. The man, whose intelligence is now using Ireland was admitted to a seat in the Legislature as a concession to Liberalism ; and he, with a body of Roman Catholics following in his train, came to be the weight that turned the scale in the contending factions of the English Parliament. By his support the foreign crimes were perpetrated, the financial defalcation insured, the fiscal alterations effected, by which Ireland is now fitted for convulsion.

The strength that he gave to the party that made the war in Affghanistan,* places upon his shoulders

* For ten years every act of the nation has been as much an act of crime as the invasion of Central Asia ; and it is not merely the sacrifice of nearly Twenty millions imposed upon India, or of nearly an equal sum imposed directly upon England, that is to be taken as producing

the entire responsibility of that act, and the strength which they derived from his blind support, gave to that party confidence to commit the crime. So that again were connected questions of internal politics with foreign wars; and the wars in Asia which now threaten the dismemberment of Ireland, arose out of this—that Members of Parliament were returned, not because of their knowledge of public affairs, but because of their pertaining to this or that section of political doctrines. Yet men in England would smile, when they are told that division of opinion in representative Governments is not the means to preserve, but the means to destroy honour in the breasts of men, and safety in the management of affairs.

These progressive steps have all been violations of the law of the land. It is because the laws are violated, that each step of successive evil has been made. No wonder, then, that men occupy themselves in idle agitation who have lost sight of law, and no wonder that men, lost in idle agitation, should be unable to recover the faculty of understanding and applying it. The deficiency of the Treasury, which has occasioned the financial experiment of the Tariff, was incurred through a crime, the mightiest that men could commit; it was committed by the persons charged the embarrassments of the Treasury, but it is a still larger sum than both united, produced by a positive sacrifice of commercial rights, or the frustration of proffered commercial advantages.

with the conduct of the affairs of this country, and it was committed in the face of the representatives of the people, delegated to watch over the public interests, and entrusted with the power of enforcing the laws against the powerful, if they should dare to violate them. Had they inquired into the causes of deficiency, before adopting measures for supplying it, they must have come, if they had known it by no other means, to the knowledge of those crimes, and had they performed their duty, and asserted the law, they must have punished them. Had such characters existed in the men who compose the British senate—had in them been known to exist respect for the constitution, obedience for the law, regard for the truth, or honesty—such acts never could have been attempted, and none of the present and future consequences come or coming upon us. If these common characters of citizenship were wanting in Members of Parliament, they must have been equally wanting in the nation who conferred on them that dignity and trust. It is, then, because the sense of right and wrong is extinguished in the hearts of Englishmen that injury is brought, that dangers threaten, and that remedy is impossible. Let that sense be restored, and remedy is then not only possible, but attained. What we require is inducements, that they may attend to, and arguments that they may be constrained to look upon this—the secret of their weakness, and the secret of their strength.

We have had of late England organized for

insurrection. We see Wales become again the rallying point and centre of convulsion. Now Ireland is clamorous for Repeal. These are evidences of decline—as well as sources of danger—the causes of that decline and that danger must be in our own breasts, in the breast of each man; and that which is most alarming in our condition is, that these evidences of danger instead of proving incentives to the effort of finding and understanding its sources, become reasons for disregarding such efforts, and for confining exclusively attention to separate facts.

What have we to expect in our present course? The separate evils arising from causes that we cannot control, will not of themselves diminish. Each is fomented by vain discussion, that the leaders of neither party can counteract, and by the pressure of positive necessities for the correction of which, the means which they propose are not sufficient. The direct tendency of each coincides with that of the action of each upon the other, not to diminish but to increase dangers for the future. But, if to organization for dismemberment of the State in one country, to schism in the Church in another,—symptoms of decay so recently developed,—we must add the action brought into life by these, and reacting upon these from other countries; what further inducements can be afforded us for attending to our state?—when we hear of associations in France to support Repeal in Ireland—when we hear of associations in America to support

Repeal in Ireland—and of invading Canada, as a means of securing rebellion across the St. George's Channel, can we reckon upon these as useful warnings that will impose reflection, or that will bring wisdom? No! they are indications of a growing hostility, which reproducing only animosity in us, serve to increase the difficulties of our circumstances, not to remove the errors of our judgment. Associations for Repeal in France and in the United States to-day will become to-morrow interferences of Governments in our affairs—and when the representatives of Foreign Powers shall unite in a secret conclvae, to decide upon what conditions England shall hold Canada or Ireland,—will England endure no more than she deserves, or than she has inflicted? Will this not be at once the natural consequence of her own acts, and the exact counterpart of her own example?

The greatest inducements for freemen have already overtaken us—may that of slaves never attain to us—the inducement for freemen is dishonour, the inducement for the slave is stripes.

THE
ROMAN CATHOLIC CHURCH OF IRELAND
SUPPORTING
THE CRIMES OF ENGLAND.

[We print the following letter as one remarkable, both for its style and matter. The language is that of one, who feels deeply the necessity for an interference on the part of those who teach Religion, in cases where Religion and Justice have been set at nought. In presenting it to the public eye, we feel that we are doing good service to every thinking member of the community; but, at the same time, we desire it to be understood, that the letter is from an independent source, and is not to be considered as our own.]

TO THE ARCHBISHOP OF TUAM.

MOST REVEREND LORD,

The state of the country is the subject on which I venture to address you. The position which you occupy, the means which you possess, are my apology. With you, my Lord, I can have no better one. I address a man to whom Faction is abomination;—one, who till now, has held himself aloof from party;—one, who, in season and out of season, has dealt forth the stern rebuke and the merciful admonition, with an impartiality and free-

dom befitting his high charge ;—one, who has never hesitated to denounce and condemn, in Tory as in Whig, in Radical as in Conservative, every seducer of the nation, every destroyer of the flock. I address the champion of an ancient hierarchy ;—the bold and unconquerable defender of a venerable Church ;—the unwearied and indignant advocate of the poor ;—the terror to tyrants, of whatever creed or party ;—the bulwark of local rights ;—the barrier to centralising tyranny ;—the determined foe, alike of the Poor House which demoralises, and of the National School which perverts ;—the lover of truth, and of law ; the hater of unrighteousness. It is with my previous knowledge of your history, and the admiration it inspires, that I venture to approach your Grace. Your high name and station combine with your abilities in making you the foremost man in Ireland. Whatever her errors, whatever her vices, you, my Lord, are her representative, and must in her name answer them. It is the penalty you have to pay for your greatness. It is the duty which attaches to your rights.

God has set you to root up, and to pull down, and to waste and to destroy, and to build, and to plant. Your mission is to the kings and the princes, no less than to the priests and people of the land. I will not entreat your Grace not to fear their countenance. There is no need to preach courage to the Lion of Connaught. But what I do entreat of you is, that you will not, in these days, shut your own eyes to the sword that is coming upon the land. I

know, my Lord, that, when you have seen it, the trumpet will be sounded, and the people warned. Of all the watchmen whom Providence has placed over them, you alone have proved yourself ever ready to undertake, and earnest to discharge, that wholesome office. He who would enlighten the conscience of the nation, conceives himself to have then best performed the work, when he has succeeded in arresting the attention of your Grace.

I shall not endeavour to impress you with the important and highly responsible part, which Ireland has, in maintaining or destroying the welfare of the Empire, and with it the peace of the world. A country inhabited by more than eight millions of subjects,—seven-eighths of whom worship at the same altar, obey the same chiefs, and, for the most part, are as yet free from the taint of that Erastian heresy, which affects to discriminate between religion and politics,—cannot but be of the greatest significance for a kingdom, whose remaining sixteen millions of English, Welsh, and Scottish subjects have long ago ceased to act or to feel in concert, or to desire any nobler or better occupation than the innumerable feuds of party, and intestine polemics. It is this, which constitutes Ireland the strongest and most powerful portion of the realm. It is this, which gives to it a command over all the empire, such as no calculation can overrate. It was this, which, in 1835, enabled a few Irish members to dictate, to the Sovereign, the selection of a new Cabinet, and, to the Cabinet, the terms on which it

was to subsist. It was this, which for upwards of six years, enabled the same men to maintain that Cabinet, against the often-declared will of the British. And, now in 1843, it is this, which, having increased in the double ratio of Irish combination and British dissolution, makes of the future destinies of the Empire,—and perhaps of its very existence,—a page in Irish history.

Your Grace was no party to the compact of Lichfield House. On the contrary, you blamed O'Connell for accepting it, and you condemned his work. The Russells, the Palmerstons, and the great and small of the faction to whom that compact surrendered Ireland and the Empire, received no sympathy at your hands. Between them and their predecessors, (now their successors), my Lord, your calm unbiassed mind could detect no distinction of principles, making necessary the difference of names. "You saw that Octavius had his party,—that Antony had his party,—but that the Commonwealth had none." Accordingly, you sided with neither, but in turns condemned them all.

You had reasons for your condemnation. You saw that, on every side, to use the language of Old Chaucer,—

"Truth was put down, reason was hold fable ;
 "Virtue had now no domination ;
 "Pity was exiled, no man was merciable ;
 "Through covetise was blent discretion.—
 "The world had made a permutation,
 "From right to wrong, from truth to fickleness :—
 "*That all was lost for lack of steadfastness !*"

The bonds that united society were now rent asunder. The landmarks, which are at once the boundaries and the bulwarks of states, were sapped and overthrown. The laws and constitutions of our own country were set at nought: those of our allies violated. Treason at home; murder, piracy, and sacrilege abroad; these were the fruits of the Lichfield House Compact; these the objects, which an Irish Catholic phalanx was enrolled to further, and mustered to defend.

In 1835, Lord Palmerston levied forces, for a piratical enterprise against the constitution and the church of Spain, under the pretence of settling the affairs of that kingdom. The pretended object was, if real, altogether illegal and unjust. By what authority, let me ask, was the cruise undertaken? Donna Isabella, had at that time, been recognised by some only of the provinces; Don Carlos was paramount in the rest. Their contending claims were still under the adjudication of the God of Battles. To pretend a warrant from Donna Isabella, —to doff aside the opposition of Don Carlos,—and to proclaim the sovereign authority of the Cortes of Castile over the Basques, over Arragon, and over every other estate of the Spanish Confederation,—were beyond the competence of Downing Street. The Quadruple Treaty was, therefore, a gross infraction of the law of nations, and consequently of our own.

Over and over again, it was denounced as such in Parliament. Over and over again, the members for

Ireland came to its rescue, and secured for it a triumph.

It is true, that Spain was convulsed by that treaty to its very centre. It is true, that it deluged her with blood. It is true, that the Revolution, criminal in itself, was associated with the worst of sacrileges, and the most odious of crimes. It is true, that ancient rights were assaulted, ancient franchises profaned, and the constitution, by which these were secured to Spain, abolished. It is true, that, but for the expenditure of our blood and our treasure, none of these ends could have been accomplished. Yet the members for Ireland,—Catholic Ireland—oppressed, complaining Ireland,—were those who lavished that expenditure. They made no secret of their belief in the iniquity of the procedure. Yet, with an infernal logic, well worthy of the black flag under which they were mustered, they founded their justification, or their excuse, upon Justice to Ireland, and the Compact of Lichfield House.

From 1834 to 1836, the same majority in the Lower House enabled Lord Palmerston to concert, with the Czar, secret measures for regulating—or disturbing,—the affairs of Persia. These measures took place without the Shah's concurrence or consent, and were therefore in themselves illegal. With the connivance of Lord Palmerston, and by virtue of this secret compact, Russia obliged Persia to attack Herat; and, thereupon, (1838) England, through Lord Palmerston, declared herself no longer bound by her treaties to protect Persia from Russia,—

seized upon Karrak without any declaration of war—and then, as suddenly abandoned the felonious acquisition. Parliament was appealed to. But the members for Ireland,—that Ireland, which was even then ringing with the violated treaty of Limerick—sanctioned the crime, and screened the guilty minister !

About the same time, Aden was piratically seized from the Arabs, under the authority of the Foreign Office. The law of nations and that of England were again violated :—and again the Irish members remembered their compact, and gave their support to crime.

In 1839, an armed force invaded the territories of our Affghan allies, under secret orders from the Foreign Office. Your Grace has condemned the aggression for its injustice. It was equally condemnable for its illegality. It was not war, but piracy. To conceal and to misrepresent the facts of the case, the most barefaced and unblushing forgeries of State Papers were perpetrated in the Foreign Office. The moral guilt of the enterprise,—the illegality,—the forgeries,—were all brought home to the great state criminal, from whom they had emanated. But he commanded a majority in the Lower House, so long as the Compact of Lichfield House was kept ! Faithless to every honourable treaty, he complied religiously with that ; and the Irish members voted on the side of perfidy and crime.

In 1839, a quarrel, which Lord Palmerston had for six years been preparing, was at length brought

about with China ; and a pretext, avowedly unjust, was put forward as the cause. Two armed invasions took place, both of them studiously conducted in such a way as to violate every obligation, and to set aside every form, of British and International Law. As in Affghanistan, so in China, all the horrors of war were let loose upon the land, without the presence of war, and without legal warrant,—entailing, therefore, alike on authors and on instruments, the capital penalties of guilt. One merciful endeavour was made, in the Lower House, to arrest the Chinese crime at the very moment of inception. The House rejected the appeal by a bare majority of *ten* : all the Irish Liberals voting for the war !

In 1840, hostile demonstrations were made upon the coast of Naples. Lord Palmerston alleged the violation of a treaty engagement against that power, with whom it was then desirable to Russia that England should embroil herself. The allegation was false. The truth and the falsehood were alike indifferent to the parties who signed the Compact of Lichfield House. They imitated the minister in his new regard for treaties, and they countenanced his acts.

About the same time, Lord Palmerston recognised the independence of Texas. That robber-state,—a colony from the United States of America,—had established itself, after great bloodshed and rapine, upon the peaceful soil of Mexico. The avowed object of the pirates who planted it, and of the republic which supplied them with the means of con-

quest, was the revival of the slave trade, for the profit of Virginian markets!

So strong was the excitement among the friends of the slave, that Mr. O'Connell publicly gave out, that, should any minister recognise Texas, he would himself impeach him. But Lord Palmerston knew his strength, and the terms of the Secret Compact of Lichfield House. Texas was recognised, but the minister was not impeached!

In 1840, England was made to contract a treaty, stipulating military operations against Syria,—a portion of the Ottoman dominions, with which she was not at war. This grossly illegal act was aggravated by the circumstance that, in defiance of the Constitution, the performance of the treaty was stipulated, before its ratification. Moreover, the immediate effect of the treaty,—as it was the chief end of its author,—was to estrange France, our natural ally, and to attach our fortunes to the detestable policy of Russia.

But the support of the Irish members was more powerful than the law, and the guilt was again transferred from the minister to the whole nation.

Let me recal the latest official act of that bold, bad man. I speak of the confirmation of Russian ascendancy at Constantinople. I speak of the infamous treaty of the 13th June, 1841. By it, the conditions of Unkiar Skelessi, against which England had, for some years before, solemnly protested, were received and established.

What had he to fear from Ireland? He had

tried and proved her already. He had estimated the frigid indifference, with which she had permitted him to seal the fate of Poland. His threats and his promises had been suffered to succeed, in disarming, one by one, every power that had offered Poland service. France, Turkey, Persia, Sweden,—all had been successively detached from Poland's side, by menaces of rupture with Great Britain. And while these threats were uttering, Ireland had, with a greedy acquiescence, submitted to his assurances, that, if the Treaty of Vienna had been broken by Great Britain, it was because she was in no condition to come to a rupture with the Muscovite !

He had witnessed the Parliamentary advocacy of the Polish cause descending,—from clap-trap,—into silence. He had seen an important petition from Newcastle, praying for intervention of another, and more effective kind, laid on the table of the House, by the Liberator, without a word,—and suffered to lie there without the inconvenience of discussion.

While Catholic Westphalia and the Rhine were distracted with outrages, heaped upon them by the Prussian ally of Nicholas,—while every right guaranteed to them by the treaty of Vienna was being trodden under foot,—while the Archbishop of Cologne, who had dared to take an open and a leading part in denouncing the infraction, was expiating in a fortress his noble sense of right,—while every other Catholic country, and more than one Protestant country, were echoing with his praise,

and the reprobation of his oppressor,—Ireland alone stood silent. It suited not to the Palmerston policy, that the Prussian alliance should be impaired, or the Austrian alliance made closer. The Compact of Lichfield House was again the Minister's security. In return for National Board, Poor-Law, and patronage in magisterial and other appointments, Ireland had undertaken to allow free scope to his policy abroad. No meeting assembled—no petition was presented—no Irish members did so much as ask questions in the Lower House,—with respect to the Treaty of Vienna, and its grave violations in Westphalia.

These, and such as these reminiscences might well assure the mind of Lord Palmerston, that, whatever the guilt,—whether usurpation or betrayal,—his strength was in Lichfield House, his safety in the death-struggle of Faction.

These were the fruits of that Compact which your Grace had the wisdom to appreciate, and the virtue to condemn. You believed that the disagreement of those factions was less hurtful to the State than their alliance. It was that which gave to the honour and happiness of the empire the sorest and deepest blow. That empire became a private inheritance. The prerogatives of its sovereign were seized and parcelled out among the contracting parties. Resentment with the Irish, and cupidity with the rest, proved stronger, with all, than their allegiance. “Octavius gave up Cicero to Antony : and Antony “sacrificed his uncle Lucius Cæsar to Octavius :

“while Lepidus had the privilege of putting to death his own brother Paulus.” Thus, the same action murdered both friend and enemy—both Empire and Orangeman—both the foreign ally and the intestine opponent;—a commerce of murder, which was only the more horrible, since the destruction of the first had not even resentment to excuse it.

But that Compact exists no longer. It has been declared by Mr. O’Connell himself, that the transaction between him and the Whigs is ended, and that he never means to strike another. Heaven grant that our vices may not raise up unto us some other leader that will! But are we therefore secure? Have we not a past to expiate, a present to amend, a future to dread? It is because of my conviction that that expiation and that amendment are due, and must be paid,—if we would avert what lies before us,—that I venture to address you.

Than your Grace, no man living more clearly appreciates the heavy guilt, and the awful consequences, of national sin. If we believe that there is no sin but has the proper chastisement, which sooner or later must befall it, we cannot feel doubtful, however much we may be distressed, as to the terrible destiny which awaits us. But it is one not altogether inevitable. The sin of the nation, like the sin of the individual, may be blotted out. It cannot be done by a mere repentance, for here the nation is the criminal.—Repentance is for the individual: the aggregate body is incapable of such

an act. Still it is always in the nation's power to repair its own misdeeds: to visit them upon their authors: to divest itself once more of that responsibility for their guilt, which by connivance it had made its own. By every crime the influences which rule this nether world are disturbed and embarrassed in their action. When the fitting atonement has been rendered, then, and not till then, can their healthy function be restored.—That atonement must be rendered—by the community—or unto it. The will of the avenging God must be done upon us, if by us it has been left undone. Such is the law of Supreme Justice.

It is for you, my Lord, to warn your people of this their perilous obligation. You know it to be one of justice, of religion, and of law. You have not bowed the knee to Baal of the Erastians. You have not pretended to take away from duty the sanction of the Gospel, to replace it with some doctrine of the day. You covet justice for its own sake,—for the sake of them who demand its application. You have brought peace and contentment, under the mantle of religion, into many a cabin, made desolate by the little tyranny of a village despot. Your brow has not quailed before the lightning glance of iniquity in high places. Your voice has not ceased to warn it of justice and the judgment to come.

What, my Lord, are all the sins, rebuked in even your active ministration, to the frightful load of guilt which now oppresses your country? Remember, that it was principally to Ireland, that

the traitorous hand which wrought them owed its strength. It was Ireland, that maintained Lord Palmerston in the Foreign Office, and placed in his possession there that armoury of destruction, which none like he were competent to explore and to practise. Next think, my Lord, of the long impunity, which apathy, faction, and compromise, combined to afford that man. And, when you have revolved these points in your mind, it will shock—but not astonish—you to be informed, that—thus supported and thus strengthened,—he has, during the short space of twelve years, been made the guilty means of nearly ONE HUNDRED THOUSAND men being sent to their great account, without the formalities of law, and without the colour of justice ! Realise to yourself this prodigious murder. Enumerate the victims. One by one, let them pass in review before you. Not one of these but was made by God, in His own image, and gifted with life from Heaven ; not one but had an immortal soul : not one but is now answering for the deeds done in the flesh, in the midst and rankness of which he was cut off :—

“ And none of all these slain but had a mother,

“ Who, as she bore him in sore travail,

“ Had clasped him fondly to her fostering breast ;—

“ A father who had blessed him as his pride,

“ And, nurturing, watched over him long years !”

I would ask you, my Lord, whether, out of these, one fell on the ground without Him, who hath said,

that the very hairs of our head are numbered? Shall He not visit for these things? Shall not His soul take revenge on such a nation? The land is polluted with the blood of the innocent. There is but one expiation which can cleanse the stain away: it is the blood of the homicide!

Criminals of his Lordship's grade and character secure themselves, when they excite dissention among the community of which they are members. So long as the rancour lasts, they are secure. When it subsides, justice and law resume their ascendancy, and claim them as their victims. Hence the bursts of Parliamentary eloquence;—the passionate harangues about fixity of tenure;—the bidding for an extended suffrage and a less hampered trade;—the adherence to the Movement. If the Liberals recede in their demands, or the Conservatives advance in their offers, a change—of expedients but not of system—will ensue. To such men, a factious Opposition, even when they are in office, is indispensable. Faction fills the hands and the leisure of the nation, and deprives it alike of the means and inclination to know its own affairs. While long debates are to be had on speculative questions,—or even on practical ones of a subordinate importance,—the national affairs are abandoned to the unfettered management of a Secretary. These assume the name of Foreign Affairs, and acquire, by degrees, a foreign character. The details of intestine faction and intrigue,—always numerous and perplexed,—speedily engross the public mind and the public attention, and attain to

dignity and importance, as the Home Affairs of the whole community.

Thus does Administration thrive upon our vices. Discord, sedition, and treason itself, may thus become its most cherished allies and supporters. The distractions in Ireland,—the schisms in Scotland,—the Rebeccaites in Wales,—the Chartists in England,—occupy political *quid nuncs* too well, not to be fostered and caressed by criminals in high places. A pacification of these discontents they tremble to think possible, and from personal considerations, hasten to obstruct.—They reason, as the Parliamentary traitors of yore are represented to have reasoned. They say, with these,—

“ What though the Queen and Parliament

“ Do not accord together ?

“ *We* have more reason to be glad ;—

“ This is our summer weather !—

“ For,—if that reason should take place,

“ And they for once agree,—

“ *Pray who'd be in a Traitor's place ?—*

“ *For hey ! then up go we !*”

It is your business—my Lord,—it is mine, it is that of every honest and independent citizen,—to discomfit the politics of these men, and to defeat their hopes. We are free to hold and to profess strong opinions, upon some one or other of the party propositions of the day. We are free to act upon them, and to make our endeavours for their adoption. But, my Lord, I do opine that it is unlawful, and treasonable, and sinful, so to follow

after these, as to neglect duties. If we are clothed with certain franchises and rights, we are bound to employ them, for the behoof of that community by whom they were conferred. We cannot attach, to such a trust, conditions or qualifications of our own devising. We cannot for an instant suspend, far less wholly discard it. We are not to make the discharge of that, which we owe to the Empire, contingent upon our being allowed to remodel or restore what is faulty,—or what seems so,—in the machinery of lawmaking or of government.

Apply this to Repeal. What is there in that question either to invite or to alarm us. Parliament in College Green,—Parliament in Westminster,—neither of them can save, although both alike may ruin the state. I confess to your Grace, that local administration,—and, if new laws be needed, local legislation,—are in themselves desirable, and, when practicable, ought to be obtained. In Repeal itself I see nothing that should alarm me.

But, in the language of the agitators for Repeal, I see everything that is criminal and base. I see a contempt for law, an appetite for injustice, a prostration of all that is good and holy, before the footstool of expediency. I see in this Catholic movement, as it has been foully called, every vice that has been hitherto supposed to be the peculiar appanage of the hostile faction.

Erastianism, which was once taught by No-Popery organs, is now openly professed by the speakers and writers for Repeal. Religion is a

sore trammel to Faction,—Erastianism its sworn ally. What wonder, that the slaves of Administration, and the panders to the Populace, should alike “forget their minor differences,” and proclaim, for once in concert, that Religion has nothing to do with Politics?

The Laws of Nature and of Nations are the next sacrifices to this agitation for Repeal. The compact of Lichfield House is dissolved, but the morality of the transaction survives it. Mr. O’Connell indeed is no longer disposed to slaughter Hecatombs to Lord Palmerston. The member for Tiverton is no longer in a position directly to reward such devotion. The Cabinet is at present in other hands, and the jobbery of office is shared with Orange—not with Liberal—confederates. The leader of your Millions must look elsewhere for support. He finds it in the disasters of the commonwealth. Every blow to the Empire sounds for Repeal. Every disgrace of the Empire is hailed with transport, because it weakens Downing Street. “England’s infirmity,”—by whatsoever means produced,—“is Ireland’s opportunity.”

To prepare his Catholic and spiritual hearers for doctrines so atrocious, Mr. O’Connell first excites their horror, by pointing out the crimes of that empire, whose destruction he beckons on. He tells them of our abominations in China, in Cabul, and in every part of the globe. He meets the objection,—that two rival Parliaments might happen to disagree, when the exercise of the Prerogative of War

was in question,—by the demand—(and I confess it to be unanswerable)—“ Show me a single war, in “ which England has of late years been engaged, “ which it would not have been a merit to have “ obstructed !” His hearers answer him with shouts of approbation. They forget that the guilt is not with England alone. They do not remember the Irish Catholic phalanx, by whose aid alone those crimes were wrought. They are not told of the majority of Ten, which determined, that a piratical expedition should be dispatched to China, to slaughter and destroy the natives, without cause of quarrel, without the formalities of law. Mr. O’Connell is silent about Spain and Portugal. He touched indeed upon the war in Affghanistan, but not to lament the part he had in that awful crime. The guilt was admitted,—but only as the guilt of England,—and the reverses, which so justly followed it, were only enumerated to shew, that troops had to be withdrawn from Ireland,—to supply their places who fell,—and new taxes imposed to meet the emergency,—and that,—in these circumstances, and the increasing difficulties and discontents to follow in their train,—there was only another “ infirmity” for the Empire,—another “ opportunity” for a Province !

The infamy denounced is hailed and welcomed. Mr. O’Connell knows, and so do his hearers, that Law is the foundation of States, and the surest barrier against foreign usurpation.—We have sapped and destroyed it. We have broken up the great

commonwealth of nations, by accepting and sanctioning every crime committed by the strong, and by perpetrating the same in our turn against the weak. At this moment, there is not a spot upon the face of the globe, where we are able to claim the rights, which flow from the Law of Nations. There is not a nation that may not deal with every subject of this empire,—(No! my Lord, Irishmen not excepted,)—as with a common robber and freebooter. It is true that the genealogy of the crime is derived, from a treacherous servant to an unconscious nation. But the heedlessness of that nation, so far from exempting, involves it in the guilt.—It is the duty of every citizen to seek and understand the affairs of his own community. The laws of this free land acknowledge and ratify that primordial obligation. They furnish to every one the means of discharging it. But our love of Faction is more powerful than laws; and these, within the memory of man, are said to have become obsolete!

Thus, whether Irish or English,—whether Catholic or Protestant,—whether priest or laic,—the stain of murder is upon every one of us. It is vain to say that we disavow it, or that, like Pilate, we wash our hands of it; if we withhold the expiation demanded by the law.—It is not the crime of one faction nor the crime of another faction. It has been done by the Government, and in the name, and with the connivance, of the people of Great Britain and Ireland, and of the dominions of the same. It is a national sin, in which none can transfer his

share to his already burdened neighbour. Your Grace has your portion in the curse ;—and I mine own. “ *Haud facîle quis uni adsignaverit culpam, quæ omnium fuit !* ”

But, my Lord, the iniquity rests not here. Not only does Ireland promise herself this monstrous advantage from her own crimes, but she seeks another from those of foreign states. She invites their perpetration. She halloos on new aggressions against the empire. She does so, because of that empire England is a portion ;—and because that empire is governed, by factions opposed to Ireland, from Downing Street ! The American marauder is encouraged to invade the peaceful settlements of his British (and Irish) neighbours. Oregon is to be usurped by the United States of America, in order that in Ireland a Repeal faction may put down an Orange one. India must be menaced, and may be invaded by Russia, and may, with her one hundred millions of British citizens, pass to the dominion, and the language, and the religion of the Czar ; and Ireland will not murmur, so that the blow struck be strong enough to bring her Parliament back ! The DUBLIN REVIEW goes yet further. After vaunting the irresistible power of the Beast, the reviewer speculates with great complacency on the probability of London becoming Russian by conquest. What, he asks, will the consequences be ? Consequences, he thinks, not altogether without encouragement for the Catholic. Fixity of tenure,—transportation of Irish landlords to Siberia,—form the climax of the estimate !

But the infirmity of your own empire is not the only opportunity which you are called on to embrace. There are other Empires besides this,—and, with a truly amazing impartiality, the Repealer devotes them all to the same infernal gods. He makes France welcome to the Peninsula, upon condition, that she shall engage the attention of Great Britain and Ireland, and involve the countries in war. He encourages Russia to pursue her damnable designs upon the peace and honour of Turkey. He incites Egypt against Syria. And all this—“in contempt of England,” and with the view to the Repeal! Does not your Grace ask him to explain the pretensions of these States to the dominions which he would have them usurp? He admits that they are null. That admission is the truth. It is not that President Tyler has the least right to insist upon seizing Oregon,—or that the Czar has any claim to the throne of the Greek Cæsars,—or that Mehemet Ali can assert any lawful pretensions to Syria,—or that Louis Philippe has a better title than even Espartero himself, to settle the affairs of Spain. Yet Mr. O’Connell invokes upon America, Turkey, the Peninsula, and the Levant, all the horrors of invasion and war!

He has very recently acquainted you with the true reason of his pious aspirations. I quote from the NATION’s own Report of the great banquet at Galway, of the 26th ultimo, where Lord French presided. Your Grace, having been present on the occasion, can say, if the following ejaculation were really uttered by the Liberator :—

“ Oh! if Louis Philippe *should march an army*
“ *into Spain*—if America *should insist on getting*
“ *the Oregon territory*—if Russia *should menace*
“ *the East*,—or if Syria *should be handed over* to
“ Mehemet Ali, in contempt of England, (!)—then,
“ Hurra! for the Repeal!”

Observe, my Lord, the choice of terms. They are employed to hide the piracy of the acts they represent. “March an army!”—“Insist on getting!”—“Menace!”—“Be handed over!”—“Events!”

Can your Grace believe that this selection was accidental? Was Mr. O’Connell unconscious of the confusion he was producing, when he employed words of such vague and harmless import, to suggest to an applauding multitude such thoughts of infamy and crime? Had he branded them as they deserved,—had he been true to his profession of always calling things by their right names,—would his audience have suffered that scandalous imputation on their loyalty and good faith to pass unchallenged and disavowed? I am certain that one personage would not. I can answer for the Metropolitan of Connaught.

I insist upon this point the more tenaciously, because it is to the misuse of language that almost all our crimes are owing. War and piracy, hostilities and depredations, have become convertible terms. Every kind of abomination is accepted, under the name of Expediency. The convict in Botany Bay, who wears irons, is distinguished among his fellows by the *sobriquet* of “unfortunate man.”

The crimes by which Great Britain — and Ireland,—and the whole empire—have heaped upon themselves disgrace and destruction against the day of doom, are spoken of, in Repeal prints, as “ complications abroad ;”—and those, too, the “ complications of England !”

The malady is spreading. The delusion becomes more intense. Every day witnesses the growth of new phrases, and the decline of old principles. Shepherds of the people, the wolf is on his path !

An independent parliament in College Green will not in itself be better,—if it be not worse,—than that which sits at Westminster.

Quid leges, sine moribus,
Vanæ proficiunt ?

The Empire is made the prey of Parliamentary factions. Transfer these from London to Dublin, if you will. I do not very well see what the empire is to gain by the change. Those who, in Saint Stephen's Chapel, voted blindly with a treacherous Minister, because it suited the interests of their faction so to vote, will vote the same in Dublin. Those who denounced an enemy to Ireland, in the unfrequent friend of Constitution and of Law, standing forth in the cause of oppressed nations, and violated treaties, are not trustworthy on whatever side of the Channel. Those who declared that, although they took upon them the character of members of the Imperial

Parliament, their energies were to be devoted to what they called Irish interests alone, and that they considered themselves absolved from entering into the justice of any measures, which emanated from a ministry, having "Justice to Ireland," for its motto,—such men as those may be good partisans, but they are false and disloyal subjects. Faction, my Lord, has but one character ;—it is the same in every country,—in every time. If you once admit her, be at least prepared to welcome her attendants. The Whig, the Tory, and the Radical are the same, in Ireland as in Great Britain, in 1843 as in 1688. They are all traitors alike. Traitors to the Sovereign, whose councils they pervert, and whose authority they abuse,—traitors to the laws which they violate,—traitors to the empire which they destroy. They hold themselves sufficiently well rewarded, if their accomplices will grant them the luxury of achieving the destruction of some one portion of the empire, with their own hands, and after their own way !

Is the law to be defrauded of obedience, because one chapter demands revision? Is the empire to remain under the guilt of blood, because the House of Commons will not concede repeal? Is it the intention of the Irish Prelates, that the cause, to which—with every right imaginable—they have chosen to attach themselves, shall be made to share the fortunes, and the infamy, by becoming an accomplice in the crime, of Russia?

I put these questions to the Archbishop of Tuam.

They are questions worthier of his attention, than any that are likely to be put to him, on the Corn Exchange. The emergency is greater and more pressing than the cry for Repeal. If you doubt this, my Lord, look around you.

In India we are again plunged into a bloody quarrel, presenting none of the elements which constitute, but disgraced by all the atrocities which follow war. The present Governor General has yielded to the example of his predecessor. He has endeavoured to eclipse enormities, which he at first denounced, but which the faction whose servant he is, interfered to protect, and proclaimed its readiness to imitate. My Lord, in the Sindian War, hundreds and thousands of Catholic Irishmen have been engaged. In these days of penny postage, and cheap newspapers, it is impossible to say what amount of information these poor men may not possess. We cannot tell what torturing scruples many of them may feel, at being engaged in a service, in which success must be the greatest of crimes, and from which there is no retreat but mutiny. Who placed the soldier in that terrible and trying difficulty? My Lord, it was every man of us! It was our criminal ambition, or our not less criminal neglect, that strengthened the guilty purposes of the minister, and, by the impunity of his predecessor, encouraged him to their accomplishment. But, above all and before all, it is to the Irish prelates that the charge must be laid. Had they, my Lord, studied their duty to the state,

Sinde would now be tranquil and independent, and the consciences of the soldiery at peace. But the prelates of Ireland were silent when they should have spoken. The sword came upon the land, and the trumpet was left unsounded. Those who should have comprehended,—for themselves, and for the sake of their flocks,—the affairs of the nation, did abdicate their high and solemn office. And, now, the last hope of the patriot is in the conscience of the soldier, summoned to render a guilty obedience to orders, which it was a felony to have issued, and which it is a duty to disobey.

In America, we are on the eve of a war with the United States. It will be a border-war. It will be a war where brother meets brother, and the son the parent. There are Irish in the States: there are Irish in Canada: all of them emigrants who crossed the Atlantic, in the vain hope of escaping from faction. They left it behind them in the land of their nativity, where it is kindling a war, which will find them out in their new homes in the wilderness.

Sensible of our internal distractions, and our unwillingness to counteract her ends, Russia pursues them with vigour. In Turkey she is ascendant. In Persia she has not a competitor. In Central Asia,—taking advantage of our crimes,—from being the assailant, she has made herself the protectress of the nations, from the Caspian Sea to the river Indus. She has gained a footing at Belgrade. She is threatening the integrity of Austria.

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She has designs upon Greece. She has annihilated every vestige of Polish independence. She has intrigues afoot, in Malta, in India, and in America; emissaries in England among the Chartists, police agents in the London Clubs, and spies and informers everywhere. Unconsciously, Ireland is playing the game of the same schismatical and blood-stained tyrant.

The Athenian orator speaks of men, who think that they confute you by asking, "What then are we to do?" To whom *he* answered, "Not what we are now doing!" The times, my Lord, demand no other remedy. We have Laws, and we have Courts of Justice. We have a Religion and a Hierarchy. I would see those laws obeyed, and that religion a rule of conduct. I would see our prelates occupying themselves in inculcating lessons of public justice, and our judges enforcing them by the terror of example.

This universal slumber of justice and religion has excited the solicitude of the Holy See. In his Allocution of last year, the Holy Father laid bare the policy of Russia. He shewed the manner of its working. He unfolded the connections which subsist between her dexterity and vigilance, and the infatuation and apathy of her victims. He demonstrated that it was not to her strength, but to their weakness, that her policy was indebted for success. He established that the extent of the success was, in all cases, to be measured by the crime of the nation—that the conquest was coin-

cident with the decline—that the disregard of law was the surrender of liberty—that the weakest of the States, exposed to Russian inroads, so long as it enforced obedience to its own laws, was more than sufficient to maintain its own independence. The effect of such an appeal cannot have been lost upon your Grace. It was by repelling this ruthless aggressor and persecutor, that you were there called upon to testify your faithfulness to the Chair of Peter. The means are within your reach. It is the sword of justice that must strike the blow decisive of the controversy. But the sword is rusting in its scabbard, for lack of the courage to look upon its naked edge!

For the present I must conclude. At a future period I may resume an examination, which I am, indeed, reluctant to break off. Much remains to be said, as to the remedy for our disorders—a remedy which Faction is too ignorant and too heartless to supply. But, my Lord, to your clear mind the indication of the malady is the suggestion of the cure. When we know that the fault lies in ourselves, we may be persuaded that, if we would cease to be the base underlings of a Cabinet or of a Majority, it is from ourselves that we must seek the means of our deliverance.

I am, my Lord, with the deepest respect,

Your faithful Son in Christ,

TRAMONTANUS.

24th July, 1843.

DEFEAT OF RUSSIAN DIPLOMACY IN SERBIA.

THE first act of the most extraordinary drama that the history of diplomacy presents, has just been concluded in Serbia.

In this small and unknown province of Turkey, an event occurred in no manner whatever touching any State of Europe, and in which no European State had any right whatever to interfere. The Prince, a weak and worthless intriguer, had fled the country, and a new one had been elected in his stead. The Ottoman Sovereign was content with the act of the Serbian people, and sanctioned the election of his new vassal; the transaction was domestic and common place, and was remarkable, if remarkable at all, only for the features it presented of harmony between the Sultan and his Christian Subjects, and of unanimity and tranquillity in the province itself.

Yet, in consequence of this event, Europe has been filled with excitement and fears, and exposed to great dangers—during eight months have the Governments of Europe been arguing and acting, coalescing or enforcing, and under the dread that the election of Prince Alexander Georgovitch was to bring upon Turkey the danger of an invasion, and on Europe that of general convulsion, have these

cabinets exerted their influence to annul this election. Despite their efforts he is re-elected, and their fears are dispelled, because their intention has been frustrated.

This election by Russia was treated as an infraction of treaties; she declared it blood-thirsty and revolutionary—she denounced the Prince and the Porte—she required from the Sultan himself the annulment of the act! Where were then the Powers that had guaranteed Turkey's integrity and independence? alas! the very Minister of England was selected as the mouthpiece to Europe, of her lies, her desires, and her intentions. He declared the Serbians to be "semi-barbarous," and announced that the "infatuated youth," now again unanimously elected, would soon be glad to fly from the vengeance of the people.

With England and Europe to back her violence, she compelled the Porte to submission, forced it to require from the Serbians the annulment of the election, and from the Prince his resignation: she compelled the Porte to appoint in his room a provisional government to be named by agents of her own.

Despite this array of power, justice, honesty, and patriotism, have triumphed; Prince Alexander has not had to fly, and again is he elected by the "semi-barbarians"—the two Russian Commissioners are present to record the legality they could not destroy, and to witness the loyalty they could not corrupt.

Russia has failed however, only for the moment,

in producing convulsion in Serbia, unless means are taken to restore the right, she will have established the wrong of interference—to use, whenever she has brought events so far a head, as to give cause for its application. A few months ago there was every reason to apprehend that she would be able to foment convulsions in Serbia, and produce opposition between Serbia and the Porte. The first would have given to her diplomatic pretensions a fearful reality; the second would have enabled her to become Serbia's *protectress*. That in both she has been foiled, we have to thank the wonderful unity, sagacity and integrity of the Serbians, the dignity and judgment of the Porte.

In the course of these negotiations, the organs of Russia, whether printed papers or men, have made no complaint of England, no complaint of France, she has had nothing to oppose in the indignation of the Cabinets of Europe, and nothing to resist in the judgment or policy of her allies—they have granted her all she has desired—belief and obedience.

There are, however, those against whom her invectives and her sarcasms have been directed—the Poles! What! is not Poland dead?—and what in common is there between Poland and Serbia? The Poles and the Serbians are united by ties of consanguinity, and by the dearer ties by which her hostility has linked them together.

It may well then be, that in the attitude of the Serbians, and even in the subsequent hearing of the

Cabinets of Austria and England, the practised eye and hand of Russia may have felt a novel and stranger influence thwarting her plans, and undoing her work. It is natural that we should look to the Poles as engaged in such a task, and fitted for it both by their own experience, and their acquaintance with Serbia. Russia is to be counteracted, not by fleets and armies, but by her own weapons. Those who possess such weapons, require not fleets and armies to do good and great things. Her field is not the battle-plain, but the thoughts of men. An intellectual foe has to be intellectually struggled with, but a dishonest foe is to be conquered only by honesty; and truth and patriotism are to be evoked against those who work with falsehood and corruption. Men so armed, were they to be found in Europe, the power of Russia would at once be withered; and it requires but one such man to belong to the remnants of Poland, for the hope of Poland's future life again to revive. Poland perished, because she possessed no man who understood Russia; and Poland then was not poorer than Europe now. When Poland possesses such a man, he may restore his own country by saving others.

Serbia, we hesitate not to proclaim it, has been saved by Poland, and Poland now begins to discover (for Poland lives where there is comprehension of her enemy), that her life, and the life of Turkey are inseparably connected—that it is from the East that she will regain life—as it is in the East that she can preserve the existence of others. We, inha-

bitants of England and of France, sunk in the daily increasing cares and pre-occupations of our wealth or our amusements, or our studies, or our miseries, have no time to heed things which we call foreign, and dangers which we believe to be remote. The Poles have no other business than to attend to these, and in these what a lofty field is opened to them, and what certainty of future restoration in curbing their enemy, and becoming to Europe its guardians and protectors against designs not comprehended by it, and therefore, alone dangerous. But, alas ! hitherto, the Poles have been so base as to be occupied in drawing water from the troubled streams of European disputation, and they are emigrants, because they thought a commotion in the streets of Paris was a matter that concerned them. Now, however, they have entered upon another career, and they feel its dignity, and perceive its profit. Now is there, for every one of them, the noblest field of ambition opened up in the study of men, of law, and of diplomacy. Thus may they constitute an anti-Cabinet, which will reverse the fate of the world, and restore the character of man. Now is it in evidence before each of them, that their field of activity lies in the countries that Russia is internally convulsing. There, in the East, have they to support the resistance that is yet presented to Russia—there have they to study those social elements that have produced that resistance :—then, instructed themselves, have they to return to Europe masters of that knowledge that will gain to them-

selves the ears of the statesmen and of the Cabinets of Europe.

What we now say is a mystery to the Poles as much as it is to Europeans. But we appeal to facts. The name of Poland is *pronounced with reverence through Serbia*, and the Serbians owe and pay gratitude for their present deliverance to sons of Poland! Russia herself announces the fact.* She does so to discredit in the eyes of European Statesmen, those who are able to enlighten them. We too, proclaim it, to shew to the Poles what they may do, by seeing what some of them have already done. This is the first time that Russia has been counteracted. She has been counteracted, not by secret clubs or associations, but by a concert between men; some of them Turks—some of them English—some French—some Germans—some Poles, moved by one common impulse—that of preventing wrong from being done—because, as men, they love the right, and because, as citizens of these different communities, they wish to prevent the increase of the power of that wrong-doer, by which all states are menaced, and all cabinets are deceived.

But in enumerating those who are occupied in this holy cause, we must not forget the Circassians. The Serbians, when it was suggested to them that the person employed by the Porte might not be

* Russia has recently addressed to the Porte a note against the Poles. The Porte has replied, that it was not acquainted with such a People!

favourable to their cause, said, proudly, and confidently, "No! Hafiz Pasha is a Circassian."

This revival of Poland is not the only signal phenomenon that the transaction of Serbia has revealed or brought forth. There is another similar in kind and tendency—the *armaments of the Porte*. Europe looked upon the Porte as broken and feeble—as decrepid in body, and paralytic in mind. Suddenly the reverse is revealed in the fact—of armaments that are great—for an intention that was not understood. These armaments have already triumphed. The re-election of Prince Alexander is a Turkish victory. Constrained by the concurrence of Europe with Russia,* the Porte had yielded the point of right; but in doing so, she transferred the field of ultimate decision to the Caucasus of the West. She transferred the debate from Constantinople—threatened by Russian broadsides, and swept by European diplomacy—to Belgrade, where her fleets could not anchor, nor Europe's Ambassadors threaten or advise. It was because she was prepared to take her stand with the Serbians, and

* It is singular to observe, that in so far as the Porte has been degraded in this matter, it has been only under the compulsion of the same European Cabinets, which, in 1840, agitated the general tranquillity, under the pretext of protecting her independence, and broke up their amicable relations with France, of which their late submission in respect to Serbia was entirely, and the present troubles in Spain are in part, the consequence.

at Belgrade, that her armies were accumulated in sign of that will, and posted in view to that contest.

Serbia, then, and not the Porte resisting,—the question presented itself of coercing not the Porte but Serbia, and then did the camps in Thrace and Upper Macedonia become important weights in deciding on the probable issue of a Russian attack on Serbia, which camps would have availed little to protect Constantinople against a threatened descent. But for this Russia would have insisted upon the exclusion of Prince Alexander. She did not, because the Serbians would have resisted, had she attacked them. To coerce them she could not have availed herself of the Turks, she must have done it herself. To reach them she had to sound the depths of the Danube, and to measure the heights of the Balkan; to traverse twelve hundred miles of territory, difficult by nature and dangerous by men, and having done so, she had to assault in their mountains a hundred thousand Serbians in arms, in presence of a hundred thousand Turks in the rear! This, then, was the value of the transference of the question, from Constantinople to Belgrade; this transference has caused the election of Prince Alexander, has taught the Turks to respect the Serbians, confirmed the Serbians in respect for the Turks; united in fact both these people, and shewn to them that they have a common foe. But Russia turns from this disagreeable contemplation to the more interesting field of Europe. She there announces the dexterity with which, at

the very last, she has regained the hearts of the Serbians by her timely concessions,—and the cabinets of Europe, delighted at escaping from having a new difficulty to contend with ; proclaim to the world the moderation of Russia ; and no doubt that moderation is a good and sure foundation to build upon, for it is contingent on her weakness and not her will.

Now then, let the Ministers of Europe take courage, or rather let them still be cowards. As they were ready to support Russia when they thought she would succeed, let them now do justice to Serbia, when they see that she has triumphed. What is the justice that we require ? Russia's own Treaty, — the Treaty of Adrianople. — Let that Treaty in this respect be taken as the law of Europe, and the law for Serbia, and we are content.

PROJET DE MEMOIR OF THE SERBIAN GOVERNMENT.

March, 1843.

SUMMONED by the crisis of the month of August, 1842, to govern Serbia, we feel how necessary it is to our country, to fix for a moment, the attention of your Majesty's Government, on our present position. Thrown by the anti-national policy of Prince Michel, into most serious complications, Serbia requires all the energy of her patriotism to extricate herself from the dangers with which she finds herself suddenly menaced. The Prince, and his Government, yielding to the haughty and weakening influence of the Protecting Power, and seduced by a deceitful hope of aggrandisement, drove us, and our brethren of the neighbouring provinces, to revolt against the Sultan, our Sovereign.

Happily, the time has come when the Serbian people have learnt to distinguish friends from foes. It has felt deeply and universally, that the sovereignty of Turkey, far from endangering its liberties, as was constantly repeated, by certain foreign influences, can, on the contrary, alone shelter it against these influences, which have already

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caused it more than one shock, and threaten to bring upon it the greatest evils.

A reaction followed. The wisdom of the Porte foresaw and sanctioned its effects. The prince, who had disowned the sovereignty of Turkey was sacrificed. Serbia, undeceived as to the sincerity of her pretended friends, has found in her bosom a prince, a worthy son of the hero who founded our independence. Educated in the school of misfortune, the Prince Alexander shares in all the convictions of his people; and his moderated inclinations, and his national, but pacific tendencies will not fail to exercise a salutary effect, equally upon Serbia, and upon the neighbouring provinces.

To attach himself unreservedly to the Turkish sovereignty, and to rest upon the reciprocal conventions concluded between the Porte and Serbia—these are his objects, and the palpable interest of Serbia. In this spirit, our first duty is not to permit the bond which unites us, *de jure*, to the Ottoman Empire, to subject us, *de facto*, to the Russian, who, under the name of a Protecting Power, has made us but too deeply feel her influence in sowing disorganisation throughout all the elements of our future prosperity.

Nevertheless we are far from concealing from our-

selves the difficulties in which we shall surely be again involved, and against which we may be called upon to struggle. The systematic hostility of the Powers that are alarmed at the re-awakening of our nationality; hostility as well avowed as secret, and in this case the more dangerous to all our intellectual progress, however gradual, and to the development of our material resources; this is what we have to expect, and for this we are fully prepared.

The Powers interested in keeping Serbia in its backward state, or in bringing about its further debasement, will naturally endeavour to paralyse our efforts for good. But supported by the Turkish sovereignty, and enjoying in the interior, perfect independence, Serbia will shew herself worthy to preserve it, as she has known how to achieve it. Serbia, we dare affirm, has a right to the sympathies of constitutional Europe, and merits its confidence.

As to Turkey, we cannot allow that she desires to take advantage of our weakness, or to make concessions at our expense. We have nothing to fear from her strength—it is from her weakness that we have to apprehend. If, contrary to all expectation, she revokes our privileges—if urged by foreign intrigues, she excites divisions amongst us, and suc-

ceeds in crushing our resistance, what will the consequence be, save to place us under the exclusive influence of a Power, interested in the debasement of the Porte, no less than in ours ?

Taking confidence from the admirable spirit which animates the Serbian people, we fear not to avow the dangers which menace us. Although strong in the sense of our national dignity, we do not trust with blind security to the faith of mutual conventions and treaties. We feel that we may be called upon to maintain and to defend them. Then, as now, all that we ask from Europe, from the nations and the governments who are anxious for justice, and for the progress of civilisation amongst all the Christians of the Ottoman Empire, is their moral support. No one will doubt our desire for peace, for the confirmation of order, and for the placing, on a wide basis, that internal prosperity of which Serbia possesses in her bosom all the elements. It can be neither our interest, nor our desire to disturb order in the countries which adjoin us ; but driven to extremity, and placed under the necessity of defending her rights and her existence, Serbia will not shrink from any means that may be necessary to the fulfilment of this sacred duty.

The gravest of evils we may indeed have to endure, but Europe herself will not be exempt from the consequences of such events, if she suffers them.

We address to Providence our fervent prayers, that our devotion and our sacrifices may not fall short of the duties which the danger and necessities of our country impose upon us. The strongly marked character of our nationality, strengthened by the popularity of the reigning Prince, the justice and moderation exhibited by his government, in the very midst of the crisis through which we have passed, as well as after its triumph, together with the prudence of our internal regulations, and our relations with our brothers in blood and faith, all these motives, appreciated by equity and justice, assuredly merit, in some degree, the attention of your Majesty's Government, and offer guarantees for the future, which are not valueless.

It is true that Europe has not taken part in our treaties with the Sublime Porte; that she has not hitherto guaranteed them; but it only requires her to extend to our country, her influence, at this moment so influential with the Porte.

The Government of your Majesty can, more than any other, contribute to the success of our hopes, and

our efforts, by directing them by its generous and enlightened counsels, and by protecting our political infancy. We are conscious of our position, nor will its dangers exhaust our perseverance ; but the moral influence of ————; its firm and disinterested mediation will double our strength, will enlighten our path, and vivify and extend the spontaneous action of our national aspirations and political existence.

The Ambassador of your Majesty, at Constantinople, by giving to us when occasion requires, his moral support, might frustrate, at a single blow, the intrigues of our enemies, and thus render to Serbia immense benefit. But that which would render this benefit incalculable, would be the presence in Serbia, of a political agent, who, by his character and experience, as well as from the benevolent interest on the part of his government, of which his presence would be the proof, would be called upon to exercise a most salutary influence.

Such are the views which Serbia addresses to the Government of your Majesty.—Such is the principal object of the present memoir.

[Did they know Europe, the prayer with which they conclude, would have been reversed.]

NARRATIVE OF EVENTS IN SERBIA, FROM THE
ELECTION OF PRINCE ALEXANDER, IN SEPT.
1842, TO HIS RE-ELECTION IN JULY, 1843.

THE Prince of Serbia, up to the period of his election, occupied no important position in the country, and had taken no part in the previous political agitations. He is the son of Czerni George, who first, in 1804, raised in Serbia a national flag, whose brilliant successes gave complete triumph to his country, and to him complete authority over it. In September 1842, Alexander Georgevitz was no more than a simple Serbian officer; returning after a long exile, and notwithstanding his birth and a careful education which he received at Odessa, he inspired so little apprehension that Prince Michael placed him in the number of his *Aides de Camp*. This circumstance suffices to shew that the idea of the existence in Serbia, of two parties rallied under the banner of two families was altogether false. The Princedom having become vacant by the flight of the then reigning Prince, general and spontaneous attention was directed to Alexander, and at once he became the object of unanimous choice.

Since this period efforts have been made to apply the term "illegal" to this election, and this attempt has given great importance to the event, not for Serbia only but for Europe,—not as affecting only

the political objects and interests of its various Governments, but as bearing on the public law of nations, and the sense of rectitude and justice in all men.

We propose to state as concisely as is consistent with the end of the exposition of a matter so grave and interesting, the law as regards election, the circumstances as respects foreign powers, and the events that, from the period of the first to the second election, have occurred in Serbia.

By a law of the National Assembly of Serbia, passed in 1827, and confirmed in 1830 by the Sultan, the dignity of Prince was rendered hereditary in the family of the Obrenovitz. That law had received its application in two consecutive degrees. Prince Milan had succeeded to his father when he abdicated, and Prince Milan dying without issue his brother Prince Michael had been called to the throne, although he was a minor out of the country, and they accepted him, although accompanied by his Mother, known for her energy, her ability, and her desire for the restoration of her husband by the exclusion of her son.

In 1842 Prince Michael rendered the Princedom vacant by flying from Serbia. The Senate, the depository of the national power, selected to fill it, not a *political* leader or partizan, but the only individual in whom the principle of hereditary succession adopted by the nation, could still, though in an exceptional manner, find application, the son of their first Prince and Milosh's predecessor, Czerni George. The act which occasioned the vacancy is not impugned as illegal, and the vacancy occurring, the nomination

of Prince Alexander was rather a call to the throne through failure—than an election. Indeed, a formal election, implying displacement, would be a change of the Constitution, of which no one in Serbia had dreamt. This election of Prince Alexander was *more legal* than the exclusion of James II. or of Charles X.

Those who in good faith believed that, because a revolution did occur in 1842, an election taking place in the same year, might justly be designated as “illegal,” must at least have believed that this election was made in opposition to existing laws or to prescribed forms; but these laws had no existence—these forms were written nowhere. On the contrary the law proscribed election, save in the case of vacancy, as we shall hereafter see; but had no such forethought been exercised, an election becoming necessary by a vacancy, then the only rule was the necessity of the case, aided by whatever light, custom, precedent, and practice, might afford, supposing that there were anterior facts that could be drawn into precedent. In the present case the necessities of the case were met and successfully overcome, since the result was an election—an unanimous one—one that secured, at the time, tranquillity, and subsequently satisfaction. There were precedents exactly in point, and these exactly conformed with—Princes had been formerly elected, and by the assembly of the people. These elections had taken place, not as now, tranquilly and honourably, but amid scenes of violence and fraud. Two elections had taken place in Serbia, since the Serbians had acquired a practical existence—that of Czerni George and that of Milosh.

Both of these occurred in full insurrection against the Porte—these might have been designated illegal. They were not so designated. The present election was made in concurrence with the Porte, and received its sanction.

There was then ignorance of the facts and the laws of Serbia, or there was bad faith in qualifying the election of Prince Alexander as illegal,—or rather it was bad faith in some that used the ignorance of others to misrepresent a tranquil, peaceable, legal event, and thereby to obtain the concurrence of Europe to overthrow a measure in which they ought to have rejoiced, and to destroy rights which they ought to have supported.

The object of Russia is the dismemberment of the Ottoman Empire, and her means of effecting that object, is to drive all the subjects of that Empire into acts of insubordination. This is what the election of Prince Alexander was taken as the occasion and pretext for attempting in Serbia.

The Sultan summoned by Russia to order the Serbians to annul the election, resisted, and declared at once that Russia had no right to dictate such an act to him, and that, on his part, it would be contrary to justice, and the rights of the Serbians. But this last motive was precisely that which rendered the thing precious for Russia. To push the Sultan to unjust acts, and thereby to provoke the resistance of his subjects, and to excite their dreams of independence, or at the very least, to obtain from them a refusal of obedience to the orders of their sovereign,—such were the very consequences she desired,—such had hitherto been the character of

her policy at Constantinople and Belgrade. And observe what augmentation of chances for her, when between the Sultan and his subjects there was placed a Prince that she could excite now to oppress his people, and now to conspire against his sovereign; inspiring thus the Sultan with the double fear of the insubordination of the people, and the ambition of the Prince, and the double seduction to encourage himself between the Prince and the people—divisions which might appear calculated to diminish his danger, by giving weight to his authority.

The Sultan, however, had resisted that which was no longer an indirect and astute suggestion, but an order insultingly delivered. He resisted so long as Europe had not *all* concurred to *counsel* him to submission, and to make him feel that, if he persisted in resistance, all the powers would see with indifference Russia strike him, as they had suffered her to menace him.

It was the English Government that first proposed as a *mezzo-terminus* between the requirements of Russia, who insisted upon its annulment, and her own desire to support what had occurred in Serbia—that “*a legal election should be proceeded to.*” It may be asked, what sense an English Minister attached to this word “*legal election,*” since there was in the act nothing that she could understand as illegal; and it is to be inferred, that the word was supplied to the English Minister by the only Power for whom it had either sense or value. Not that the English Minister received consciously, this term from the Russian Ambassador, but “*legal election*” is a very

Russian word, one of which she has made frequent and terrible use. "Legal election," "legality," "liberty," "equality of rights," "consanguinity of race," "consolidation of religion," and above all, "*protection*," based upon the different pretexts which this vocabulary furnishes—have furnished for a century and a-half, the arsenal from which Russia has drawn her weapons of fraud, interference, progress, and incorporation. But this word "legal election" acquired in Serbia chances so much the greater of serving her end, as there was no code of laws that could be there applicable to the election of a Prince. It opened thus a source inexhaustible, of pretexts for finding everything wrong that was made, even in the view of being conformable to this exigency.

What were the motives that determined the Cabinets of Europe to so strange and dishonourable a course? Was it that they judged Russia to be in the right? or was it that, having no thought of right or wrong, but merely of escaping from difficulties, they yielded their support to Russia, in order thereby to deprive Turkey of the hope and means of resistance? The difference between those two points depends upon a difference of character. It is not to the test of right or wrong that the men who govern Europe reduce their judgments of events. The solution of their conduct is to be found, therefore, not in their estimate of Russia's right, but in the estimate of what they supposed expedient for themselves. Was it then here the wish that Russia should triumph, or the fear that they could not oppose her, that decided their conduct? We hesitate not to answer ; it was not

the wish that she should triumph that induced them to support her, but it was the belief that she would triumph, that induced them to lend to her their strength to urge the Porte to a more speedy submission, and thereby to diminish the sum of its sacrifices.* In fact, the Cabinets of Europe, in whose minds had been first effaced the sense of right, had subsequently come to be ignorant of the commonest facts.

The evidence, if we wanted new evidence of that which is the history of the times, is signally exhibited in Lord Aberdeen's speech of the 3rd of May.

No one, we repeat it, was deceived into believing that the pretensions of Russia were founded in right, and the manner in which the Serbian people, despite the concurrence granted by Europe, despite

* The following conversation which occurred at Belgrade in November, 1842, reflects to us from them the impression which our acts are calculated to produce, "We," (the Serbian Ministers, replying to assurances that they would receive French protection) "may indeed receive French protection, but it will be when we will require it no longer. It is now three months since we have awaited a manifestation of that French protection, and we see support given by France only to the policy of Russia, and to that of Prince Michael, here and elsewhere. Nevertheless, the Ottoman Government has communicated to the French embassy facts that must make French Diplomats know that the object is the convulsion of Turkey. (*Cependant, le Gouvernement Ottoman communique à l'Ambassade Française les faits, afin que la diplomatie Française sache que l'on veut bouleverser la Turquie.*) Who can assure us that France is not acting in connivance with Russia. The appearances as well as the facts are on that side, and nothing on the other."

the submission of the Porte obtained by that concurrence has resisted the will and the power of Russia, proves how completely the Cabinets of Europe mistook the power that Russia could exercise, and the consequences that were to follow. They, accustomed to be foiled whenever it came to be a contest of mind with her, could not conceive that *she* should be foiled when it came to be a contest of minds with Turks and Serbians. They had not yet learnt the secret, that Russia possesses strength only where she has succeeded in breaking the bonds that unite sovereigns and people, or they did not know that she had not yet succeeded in breaking the bonds between the Serbians and the Sultan.

But if the Powers of Europe neglect the right, it is not, therefore, for us who see the consequences of that neglect, to disregard it also ; but it is on that very account that we have to labour to bring into evidence at once the flagrance of this violation of law by her, and the danger to us of neglecting it, so as to place upon the one hand the evidence of the facility with which difficulties can be escaped by the Ministers of Europe, if they do attend to the law and the right, and on the other to shew that it is not by neglecting affairs, and disregarding rights, that even difficulties can be avoided.

The slightest glance at the exposition of the rights which Russia puts forward as deduced from her Treaties with the Porte, suffice to shew that she possessed the faculty of intervening in Serbia *only in so far* as she should be called in by the Serbians, and that only for the purpose of resisting *illegal acts on the part of the Porte*. Here exactly the

contrary has happened. The Princely throne becoming vacant, the Pasha of Belgrade reported to Constantinople that which had happened, the Sultan ordered an election, which being made, he sanctioned it, and granted to the Prince a diploma of investiture. This was in conformity to the very letter of the law. A berat of the Sultan, bearing date 22nd November, 1830, runs as follows :—

“ The actual Prince of the Serbian nation, Milosh Obrenovitz, having furnished proofs not equivocal of his fidelity, the dignity of Knez of the Serbian people is assured to him in perpetuity ; after his death it will pass to his eldest son, and after his to his grandson, and it will thus remain restricted in his family.”

“ But in case of vacancy in the dignity of Prince, an imperial berat from the Sublime Porte shall be again published and expedited.”

Milosh abdicates—Michael flies—a vacancy occurs—and there are none of those in direct line to succeed. Then, as set down, the imperial will is again signified by a berat, and that berat is issued to a prince, elected as the former princes, by the Serbians themselves. This transaction is in strictest conformity to law, as well as to practice, and that law not binding on Turkey only, but on Russia ; for the berat in question was accepted by her as the fulfilment of the Treaty of Adrianople ; and on its being issued, Russia performed, on her part, stipulations of the Treaty contingent on such fulfilment — viz. the evacuation of the Turkish territory. But there is still that which strengthens the case, the same berat further says :—

“ He, the Prince, will not fail to submit to her Imperial Throne the state of affairs that may require new measures of administration, and no one else, be he whoever he may, will have the power to mix himself up with the affairs of the Principality.”

Another firman of the same year (1830), and one of those which “ regulated and decided, in concert with the Serbian Deputation at Constantinople,” and then “ communicated to the Imperial Court of Russia,” should be “ considered henceforward as becoming an integral portion,* of the international stipulations between Russia and Turkey—enacts as follows :—

“ The Authorities of my Sublime Porte will not interfere in any manner in the INTERNAL ADMINISTRATION OF THE COUNTRY.”

These firmans were communicated to the Court of Russia, and became an integral portion of the Treaty of Adrianople. This stipulation, which we now appeal to as a protection, was not a burden imposed on Russia, but a benefit and an advantage, sought by her. This stipulation was in 1829. A success obtained by her, and its value to her, was that it enabled her to diminish, if not destroy, the authority of the Porte in Serbia.

Now, Russia pretends to exercise over Serbia rights of internal government which she caused the Porte to renounce, and she pretends to *coerce* the Porte into the violent and injurious exercise of that authority. In undertaking this engagement towards Russia, the Porte doubly bound her, not herself, to

* Convention of Ackermann, Article 5.

interfere; and under that engagement we see her constraining the Porte to do that which, had the Porte attempted, it would have become her duty to prevent!

Thus—we assert it confidently—the pretensions of Russia to any right in this question could have deceived—have deceived—no one. Austria herself at first rated them at their true value. She knew the internal state of Serbia, the intrigues, in opposite senses, that Russia ceased not to carry on; and above all the secret connivance of the Government of Prince Michael in the Bulgarian insurrection of the preceding year; an insurrection of which the centre was the Russian Consulate at Bucharest,* and which was terminated by a bloody re-action on the part of the Turks. Austria understood that the Sultan had lent his ear to the complaints of the Serbians against the oppression of their Prince's Government. She saw in its overthrow a necessity perhaps to be regretted, because of the revolutionary mode of the occurrence, but she never thought of qualifying it as “illegal,” and she could scarcely inquiet herself regarding the fall

* “General Duhamel, during his stay at Bucharest in the spring, (1842), received a Bulgarian deputation. He exhibited to them the plan of a general insurrection. Serbia was to be the reserve and the principal body of the insurrection connected with this plan, and by means of a revolution, the hospodariat of Wallachia was to be conferred on Kisselef the Russian general. The testimony of Stréli, Bulgarian chief on the frontier of Serbia, of Dimitrevitch, a Serbian employé, and of so many Bulgarians who have been arrested; the money distributed by Duhamel, by the

of an Administration, which, seduced by a foreign power, had rendered itself capable of flagrant conspiracy against its Sovereign.

England, whose indifference led her to support upon the Danube Austria rather than Russia, had equally desired to see in the accession of the new Prince of Serbia, an event which should be regarded as satisfactory, and should not henceforward be disturbed. The English Consul at Belgrade, who had taken part against the Prince, was reprimanded.

France, acting in the same sense, had, in like manner, reprimanded her Consul, who had likewise acted as the English Consul had done: and she further ordered that Consul no longer to trouble

Serbian Government, and by Raievitch, Serbian Minister, arrested by the Constitutionals, the proofs placed in the hands of the Turkish Government, that Russia participated in the project of cutting to pieces 2,200 Turkish soldiers marching to replace the garrisons of Serbia; after the insurgents were to march on Bulgaria, and, joined by the Bulgarians, to push on. At Belgrade, the Bulgarians received from the Consul Wastenko money and instructions. The Serbians have addressed, through Orloff, a complaint against Wastenko, Titov, and Lieven. Of this note I have had perusal. In that note it is said, that from the manner in which Titov and Wastenko, contrary no doubt to the will of their sovereign, had set themselves to spreading gold and proclamations, that the constitution was not a gospel, nor M. Boutenieff, its author, a Christ; but that acts, dictated by policy, might disappear before political necessity. From that moment, all the Serbians were convinced for the last time, that to save the country they could only reckon upon themselves and upon Turkey."—*Extract from a private letter.*

himself with politics, and even dispensed him from the duty of sending home intelligence.

Russia alone announced at Constantinople, and in all the Courts of Europe, her indignation and her wrath against the Serbians, and against the Porte. She required from the Porte the condemnation of what had taken place in Serbia, and the retraction of the measures by which she had sanctioned and established the new order of things. The Sultan and his Ministry replied with dignity, and appealed to the justice of the Emperor himself, and to his engagements in respect to Serbia, and to his treaties with Turkey, which interdicted both Russia and the Porte from all intervention in the interior affairs of Serbia. Russia, irritated, turned then towards Austria, reproached her for her indifference in respect to a revolution that had triumphed upon her frontiers, and without dwelling upon those pretended rights of which Austria knew too well the nullity, she rung in the ears of Prince Metternich the double fear of a Russian army appearing before Belgrade, and the wavering dispositions of the subjects of Austria, confining upon the Serbians, and themselves Serbians or Slaavs. Thus had she little difficulty in exciting in the Austrian Cabinet fears of those dangers which she had been long engaged in preparing, in exciting amongst the subjects of Austria, of common origin and faith with herself, the consciousness of their own strength and of the degradation they endured in the *domination of the Germans*.

It was felt at Vienna that the proximity of a Russian army might suddenly develope these latent dan-

gers, whether that army triumphed—whether it produced amongst the Serbians an heroic resistance. “*Austria*,” said on this occasion a statesman of Vienna, “*cannot expose herself to allow another Caucasus to be created on her frontier!*” These words remarkably explain how Austria resigned herself to assist Russia diplomatically to take away the pretext for the threatened occupation, fraught with dark peril to herself. Austria was not deceived in respect to what was unjust and illegal in that attempt. She deplored this new humiliation of the Porte, and the serious injury that it was to cause to the Ottoman Empire. She did not less regret to find herself constrained to support that which would be a new triumph of Russia over the Turks, over the Serbians and over Europe, but her own danger in her mind, overbalanced these considerations. Her fears were idle, and in them resided Russia’s sole power of injuring or endangering any more.

For a moment Austria, to diminish these unhappy results, bethought herself of taking upon herself the task of intervening, in concert with Russia, to change this order of things. The old Prince Milosh, who had been obliged to abdicate in 1839, had subsequently fixed his residence at Vienna, and although unhappy at the close of his reign, he had, for nearly thirteen years, governed with success; he had, above all, in the eyes of Austria, the merit of having shewn himself deaf to the suggestions and the seductions of Russia, when that power urged him to put to profit for his own aggrandizement, the embarrassment caused to the Porte by

the insurrection of the Greeks, and the Russian war of 1828-9. Those refusals had drawn down upon him the wrath of Russia, who had avenged herself in fomenting against him those discontents of his subjects which led to his expulsion. Austria, then, had for a moment the idea of re-establishing him, trusting partly to Serbian support, partly to the menaces or the facility of a military occupation. Russia encouraged her in that idea. Nothing, in fact, could have equalled for Russia, the inducing of Austria to attempt to impose a creature of her own on the people of Serbia, in the person of a prince whom they had expelled. Serbia, in such a case, would not have been only as Russia has so long laboured to bring about—an instrument of disorganization for the Ottoman Empire—led into a struggle with Austria, she would have waked all the sympathies of ten millions of cognate tribes—Slaavs, subjects of the Austrian Empire, possessed of great power, and animated with precarious fidelity.*

A closer review of this position in various ways urged on the leading men at Vienna, produced a change most important for Austria and Europe. Austria renounced the infatuated project of having

* The regiments colonized by Austria on her Turkish frontier, are neither Germans nor Hungarians, but are entirely composed of Slaavs. 50,000 permanent Serbian soldiers were for her, formerly, an admirable defence against the Turks; but against the Serbians they are no defence; and a question arising of aggression against Serbia these would become a source of the greatest danger to the Austrian Empire.

her candidate! The Cabinet of Vienna resigned itself again, simply to endure the will of Russia's Cabinet, and only sought to mitigate the consequences by labouring to prevent resistance that should augment the triumph, which it deemed inevitable. It applied itself from that moment, both at Constantinople and in London, to impress its view upon these two Cabinets. But took good care not to present the reasons by which it was itself actuated. It had recourse to the old theme of revolutionary propagandism—spoke of “Polo-French agency,” and dishonestly accused the Serbians of “anarchical tendencies.”

England, despite her indifferences, was surprised at this new language of Austria. She could scarcely be more deceived by the pretext of “revolutionary propagandism” proceeding from Vienna, than by the deductions of right proceeding from St. Petersburg. But Austria had taken her line—her language was become as peremptory as that of Russia. From that moment the English Cabinet believed it had nothing further to do in the matter. Austria and Russia were united! The English Ambassador at Constantinople might appeal and represent in vain.—Henceforward he was disregarded.

In like manner were the words of France despised. To the last moment she conjured England not to associate herself, whatever the determination of Austria, to an act which could be nothing less than the sanction given by Europe to a new usurpation of Russia over the Ottoman Empire.

M. Guizot vainly represented, that, in default

IN SERBIA.

even of being able to prevent Russia and Austria from exercising violence against the Ottoman Empire, it would be preferable "to abstain simply from all acts, and from all manifestation, which, under the pretext of maintaining a *concert* between those powers who were concerted with the avowed object of protecting that Empire in its integrity and independence, would convert that concert into a *common attempt* to do violence to that independence, and to compromise that integrity."

It was in vain that it was represented from Paris to London that the support *even of Austria* would not suffice to coerce the Divan, and that consequently Russia would remain powerless at Constantinople, if England would only desist from pressing the Porte to submission.

Though these words come from Paris, the French Government, cowed by the events of July 1840, did not dare to act alone, and being unable to determine England to act for herself, she too yielded her concurrence to the requirements of Russia.

Nevertheless, representations and remonstrances were not spared, by some directly acquainted with the condition of Serbia, the dispositions of Turkey and the objects of Russia, and their words were not altogether without weight, especially when the conduct of the Serbians and the Porte came subsequently to justify them.

It was represented that that which Russia exacted, the Sultan had not the right to command, nor the power to accomplish. "Were the Sultan," it was said, "to send to Belgrade, the orders which you

require, the Serbians would not execute them, and when the Porte would have endured this humiliation, could you expect from it the employment of its military force to annihilate, for the profit of Russia, the independence of Serbia, which is at once its pride and its strength?

“What then will be the consequence of the orders of the Porte if the Serbians refuse to obey them? Will you permit Russia to send an army into Serbia? That province does not touch the Russian Empire. Russia would have to traverse 200 leagues of Ottoman territory, whether on the right or the left bank of the Danube, to reach Serbia, a country destitute of the necessary resources for an army. To assail in their forests and in their mountains more than a hundred thousand Serbians,* accustomed to carry arms and supported by the sympathies of the Bulgarians and the Bosniacks, it is not a small expedition that would be required but a powerful army. Add the precariousness of the endurance by the Turks of such an outrage, and the army to be employed for such a purpose must be equivalent to that required for a war with Turkey *plus* a war with Serbia. But reducing the question to a mere expedition against Serbia, forty or fifty thousand men would be required. It would require for

* Milosh had distributed 140,000 muskets to the people, one for each house, and each house is obliged to furnish one soldier. The Serbians reckon that for the defence of their country they can put in motion 200,000 men, of which 15,000 are cavalry. They have 25 pieces of artillery in good state.

that army immense conveyance; and to support it, at least fifty thousand men echeloned in successive reserves on the Ottoman territory.

“ And Russia *would do* all this for the uncertain chance of reducing the Serbians to obedience, and of giving to them one prince instead of another. The enormous expense of such an expedition, supposing that it should be crowned with success, by whom would it be reimbursed? Could Russia require such reimbursement from the Porte, after having constrained her to order the Serbians to do that which she had judged her unable to force them to do? Would you press Serbia, vanquished, to bear this charge, for which thirty years of her whole revenue would barely suffice?

“ One sole advantage could recompense Russia for such outlay, and it would be the incorporation of Serbia after its submission? Are you prepared for such consequences? Yet you must be prepared for this, if you believe Russia possessed of the power or the intention to move armies to enforce the orders which the Porte may be compelled to issue, but not compelled to enforce.

“ But the case is too preposterous, the dangers too certain for whoever knows anything of the Serbians or their country, to suppose for a moment that Russia could contemplate such an act; while on the other hand it is perfectly clear for whoever knows Europe, that she uses the threat of it, merely in the consciousness of their ignorance.

“ Understanding this, what danger is there for the Porte, or for Europe, in the Sultan's persistence in his refusal to obey the orders of Russia; and

is it necessary that Europe should abandon every thought of justice, and every sense of honesty, to diminish for the Emperor of Russia the dissatisfaction caused him by the repugnance of the Serbians and the independence of the Sultan, which he chooses to qualify as revolution in the one, and disobedience in the other?"

This however was the decision to which the Cabinets of Europe came ; and it was then that they all agreed to adopt the proposition of the English Cabinet—to *limit Russia*—to require that the Porte should order the Prince that she herself has given to Serbia, to displace himself, and the Serbian people to proceed to a new election—" *according to legal forms !*"

They did not content themselves to impose this pretended legality in violation of Law and Treaty—they did not trouble themselves in respect to what they should have had to create, namely, a code of laws for the occasion, and to render confusion more certain, equally insisted before-hand, upon the expulsion from the country of the two ministers, who, by their long experience of affairs, their remarkable superiority, and their acquired influence, could alone secure internal tranquillity, by giving confidence to the people, that in their wisdom resided the means of escape from the labyrinth in which they were involved. From the Sultan was then required a preliminary infraction of law, a preliminary infraction of treaties, a preliminary violation of the independence of the Serbians in ordering those two ministers to present themselves at Constantinople. The Porte, reduced to the necessity of yielding, not to Russia, but to Europe, expedited

these orders, after having herself proclaimed their injustice. Now she had recourse to no disguise, she sought not to conceal the violence of which she was the victim, and which she knew to be now her only strength in the eyes of the Serbians.

What was the conduct of the Serbians in their turn? What was the conduct of the Prince elected by his people, to whom abdication was now commanded by strangers? What was the conduct of the two patriotic Ministers, whom the Porte required to abdicate the functions which the Prince and the people had conferred, and to pronounce and execute upon themselves the sentence of exile?

Before answering these questions, consider that the Serbians are a simple but a very proud people, filled with courage and with the sentiments of the rights which they have conquered by fourteen years of struggle—a people who is conscious of its being able to resist in its mountains invasion by all the strength that Russia could direct against them.

Well! what is it that this people and its chiefs reply to orders thus charged with insult and illegality? They did not receive them with disdain, or reply to them with indignation—they did not, preferring repose and ignominy to the labours and dangers of a struggle against such odds, meanly accept, or slavishly submit. They respected the authority of their sovereign, because he was oppressed: and hardened themselves against the authorities of Europe, although it was powerful.

Let them speak themselves—

“To His Excellency Mohammed, Hafiz Pasha, Imperial Musheer, and Muhafiz of Belgrade.

“We have learnt from Your Excellency, with the utmost submission, the contents of the recent imperial firman for the new election of a Prince, and for the fulfilment of other supreme commands. The Senate of the land, in accordance with its duty prescribed by the National Constitution, and in accordance with its eternal fidelity to the legal will of the Sultan, is convinced of the importance of the imperial decree, and of its consequences to the privileges of the people. It is, moreover, convinced that it is the imperial command that this firman should be communicated to the people ; and, knowing that similar supreme decrees, according to a custom existing even to this day, have always been made known to the people in a general assembly, so that they might be put into execution with the knowledge of the people,—the Senate has for these reasons decided that a popular assembly shall as soon as possible be convoked, composed of the best patriots who enjoy the confidence of the people, that those men should meet, furnished with sufficient powers, for the purpose of hearing the imperial firman ; and that afterwards, the Senate, with this assembly, and with the primates of the people, united in their common strength, shall endeavour to comply in the best way with the imperial will, so that the privileges of the people may be preserved intact, and so that tranquillity and good order be maintained in the province, according to the imperial wish and command, as well as for the prosperity of the people—

“ All which we hereby communicate to Your Excellency.”

The Serbian Senate and people, the Prince and Ministers, all by a common accord knew how to conciliate their duties and their rights. They saw not in the forced usurpation of their Sovereign a motive for adding to his humiliations by a refusal of obedience. They knew his real thoughts, expressed in his public correspondence with the Emperor. But while taking care not to wound his dignity, they took measures to prevent practical consequences from his submission.

Russia had required that the Porte should publish a formal act of *déchéance* of Prince Alexander ; in lieu of this, this prince, in concert with the Porte, sent to the Sultan his *abdication*, containing the discharge of the functions of government. He wrote to the Sultan, that since the Cabinets of Europe questioned the legality of his election, and since his Highness had ordered that a new election should take place, he declared that he would in nothing compromise the peace of his people, and that he was ready to resign the power *if* (and that meant *when*) *the nation made another choice*. The two Ministers were required to repair to Constantinople. *They offered to the Prince to do so.* The Prince and the Senate adjourned their departure. The whole nation equally understood that to escape from these difficulties, it was requisite not to resist the Porte, but, on the contrary, to furnish to the Porte the means of resistance, and to evince their feeling towards it of cordiality and confidence. While calling out their militia—arming themselves

and preparing by every means for their defence against any contingency—they applied themselves to petition *en masse* the Sultan, and to pray him to leave to them the Prince that they had freely given to themselves.

The Porte upon its side displayed equal tact and judgment in avoiding every act that could offend Russia—of every act that could mislead or compromise the Serbians.

It recalled Kiamil Pasha from Belgrade, at the requisition of Russia, but immediately named in his place Hafiz Pasha, a *Circassian*!

Kiamil Pasha, during this time, was treated with distinction, and received a new office. Sarim Effendi who, in concert with the ambassadors of England and France, had rejected all concession to Russia, had been succeeded in the post of Reis Effendi, by Riza Pasha, when the Porte resolved to yield to Europe;* but the Sultan continued to give to Sarim Effendi marks of his confidence. At Belgrade, the Porte did not press the Serbians to accomplish its orders; and when the Russian Consul insisted that Voutitch and Petronievitch should quit the country, Hafiz Pasha asked him if he would make himself the guarantee of its tranquillity after their departure? The Consul having hesitated to assume upon himself this responsibility, the Pasha then signified to him the impossibility of accomplishing to the letter “instructions that had been given to himself

* Sarim Effendi is reported to have used these words: “I will not consent to be held up as the buckler to receive the curses of subjects of the Porte, doomed by strangers to destruction.”

upon the condition of causing them to be executed with discernment." To sum up this parallel between the conduct of the Porte, and that of the Serbians: the Porte likewise armed — assembled powerful camps—and placed them so as to cover Serbia.

In conformity with the reply which the Senate had addressed to the Porte, an extraordinary assembly was convoked to take into consideration the orders of the Sultan, and all things were prepared for the re-election of the Prince. The Consul of Russia exhausted himself in vain efforts to seduce or to alarm—a crowd of agents over-ran the country—they sought out and applied themselves to the places and persons formerly known for their attachment to the family of the Obrenovitz,—speaking to some of the young Prince Michael—to others of his old father Milosh—proposing the support of Russia, or menacing them with the wrath of *Europe*,—now making them hope, through the protection of Russia the extension of the limits of Serbia,—speaking to them of a new kingdom of Illyria, which should unite all those who spoke the Serbian language actually under the domination of Turkey and Austria,—and now announcing to them, in case of resistance, innumerable armies and utter subjugation. But what was their surprise, when those whom they considered as the partisans of the excluded family, shewed themselves in their eyes Serbians—all animated by one spirit of nationality and fidelity—of attachment to their Prince, and confidence in their Sultan? So complete was this misestimate by Russia of the spirit of the Serbians, that one and the same courier left Belgrade in the month of April,

carrying the intelligence of the seizure of *seventeen Russian agents* in different parts of the country, by the very persons to whom they had addressed themselves as known partisans, and by whom they were not denounced, but seized and delivered over to the authorities of the Government !

However, the family of Obrenovitz had from thirty years of reign preserved many ties with Serbia—the old Prince Milosh was excused his excesses and his violences in the memory of his former services, and in the association of his name with the national independence ; and, as to his son, no one in Serbia thought of expelling him when, whether by frivolity, or by fear of the chastisement which he knew he deserved on the part of the Porte, he fled from the country. The popular movement of 1842 was directed solely against his Ministers, because they had openly sold themselves to Russia. The sole flight of the Prince had placed the Serbians under the necessity of giving to him a successor—but from that moment, excepting a few creatures who had followed him in his exile, the same fidelity was by all transferred, and without partition of it, to him who by election had become their Prince, and who, moreover, by blood, belonged to the race of the first hero of Serbia.

It is this unanimity of the Serbians—this self-confidence—this repulsion of all foreign suggestion tending to disunite or to enslave them—qualities as rare as they are noble, which have enabled Serbia to escape the most frightful convulsions—these characters have repressed and discouraged even the government of Russia—these characters have forced

Austria to renounce her project of placing there a Prince of her choice—these qualities have even acted on the mind of the British Government; and while they give promise for Serbia, in the trials that await her, they must soon extort from cold and heartless Europe respect and admiration.

It was at this period that the English Minister resumed a sort of initiative. The Porte after yielding to Europe, and sending the orders which we have just seen to Serbia, again addressed to the Powers of Europe the most urgent representations, to the effect of obtaining from these Powers their consent to *the re-election of Prince Alexander*. Now, at length, Lord Aberdeen appeared moved at the sight of such cruel injustice, and he allowed himself to be to Russia the channel of the desires of the Porte. Russia, of course, yielded an assent to his pressing solicitation. The Serbians and the Porte in learning this result experienced a joy so much the greater, and so much more calculated to strengthen them in the course which they had adopted, as they had expected little from England, but had been bitterly disappointed and disheartened by her previous conduct.

Austria, on her side, began to see that she had yielded to a groundless fear—that, in fact, there was no danger for her but from convulsions in Serbia, and that convulsion in Serbia was to be produced and not prevented by the intervention of Europe.

France, who had yielded to the common concert of Europe against her feelings and her judgment, for she had perceived sooner than England, the intrinsic merits of this question, had, in fact, never

ceased, indirectly, to give to the Porte and to the Serbians evidences of her interest and her good-will.

Thus had a few weeks sufficed to replace Russia in a state of isolation—the consent of Europe escaped from her—the credulity of the Cabinets escaped from her—she was left in presence of the evidence of her powerlessness, from the moment that she ceased to controul their judgment. This happy result was the work of the probity of the Porte, and the wisdom of the Serbians, aided by the zeal of a few friends in Europe.

The extraordinary national assembly had been convened for the 15th June. Prince Alexander,—who had prudently kept himself at a distance from the capital, to avoid the contact with the foreign consuls, and had, without repose, visited the different parts of the country,*—arrived at Belgrade on the

* The following is extracted from the letter of a Serbian, detailing the meeting between the Prince and the People, at Cragovatz :

“ Is it true,” the people asked, “ that the Cabinets don’t recognize you as Prince, chosen by the nation ? Is it true, that Voutitch and Petronievitch are to be sent away from the country ?

“ When the Senate chose Prince Michael, without the nation, the Kings were quite able to recognize him, but thou, when we have elected thee by thousands, they won’t believe thee, Prince.

“ Scarcely had we begun to enjoy some repose, after the frightful tyranny of the Obrenovitz, than, see ! they want to put another yoke upon our necks.

“ Well, Prince, we suffered the oppressions of the enemies—or emissaries, (the word is doubtful, and it may

11th. On the 16th, the firman of the Porte was read to the assembly. One universal cry was raised against the institution of the Provisional Government of Caimacans, and, on the instant, a deputation of more than a hundred members, was sent to Hafiz Pasha, to represent to him, that such a nomination would be the overthrow of the rights of the country,—that the nation desired the maintenance of the present order of things, and would never consent to the deposition of their Prince, nor to the displacement of the Ministers. Hafiz Pasha did not disguise from them the favourable disposition of the Porte, nor her powerlessness against the requirements of Europe. Pressed by them to a further explanation, he said, “Go to the Russian consul, perhaps he will tell you the matter.”

The deputation then proceeded to the Russian consulate, to the number of one hundred and thirty, bearing arms. They found there M. Wastenکو,

mean either)—of the Sultan; but they resembled, in nothing, those of the Obrenovitz. But, thanks to God! Prince, thou art with us, and we will not suffer thee to depart from amongst us. We will go, and answer for thee, to those whom the Sultan has sent. We will go, and demand who it is that touches our rights? What do you think, Prince, if you allowed Voutitch and Petronievitch to depart? Do you think that the nation would permit you to allow Voutitch and Petronievitch to depart? Ah! you too, then, wish to reign like the Obrenovitz, and oppress the nation. Prince! trust to thy people! From this day, it will die for thee, if thou thyself do not betray it. Prince! write to the Senate, and tell them, if they do anything whatever, without letting the people know, we will exterminate them.”

the consul, and the Baron Lieven, who had, a few days before, arrived from Constantinople, with the title of Commissioner, to assist at the election. Here, the Serbian deputation held a very different language. "Let the man shew himself," they exclaimed, "who pretends to touch our rights, and, whoever he may be, we will blow his brains out. Let him be an Obrenovitz, or a Russian, or a German, we will make no difference between them." Baron Lieven replied, that the decision of which they complained, "*had been taken in concert with all Europe.*" He told them, that the Emperor of the Russians was animated, for the Serbians, with the best sentiments; that he desired that every thing should be settled according to the wish of the Serbians.

The conference closed by his assuring them, that since the tranquillity of the country depended upon Messrs. Voutitch and Petronievitch, he took upon himself no longer to insist upon their being sent to Constantinople, and that he would be satisfied if they withdrew from Belgrade. In this conference Baron de Lieven gave himself the air of doubting, if *the Cabinets of Europe* would subscribe to this modification of the ultimatum dictated to the Porte, and represented Russia as being anxious to obtain, as against the Powers, concession in favour of the Serbian people.

It was settled that the Assembly should be adjourned to the 27th of June, that is to say, ten days later to proceed to the election, and that during this interval the Prince should reside in a monastery near Belgrade, but that, although Caimacans

were nominally appointed, he should preserve all the character of Prince, and that the two Ministers should absent themselves from the capital until after the 27th, and they did depart at the head of a considerable body of troops; that the Senate should continue to concert itself with them (the Ministers), and with the Prince, for the government of the country; and the acts of the Government did in effect continue to be conducted in the name of Prince Alexander, and received as in ordinary course the signature of his Ministers. In fine, as they insisted for the permission that all refugees, partizans of the former family, should come to participate freely in the election, the exiles were reduced to three lists, one only of which should be permitted to enter the country before the election, and to take part therein.

The Assembly being re-constituted on the 27th of June, one only voice was raised to proclaim the re-election of Prince Alexander, and this ceremony was accomplished in presence of Hafiz Pasha as Commissioner of the Porte, and of M. Wastenko and Baron Lieven, as Commissioners of Russia.

It would be a pertinent question here to ask of Russia, in the name of what law, and by what character of legality, she caused herself to be represented in such a transaction by Commissioners? and in awaiting her reply, whoever has read the Treaties that fix the limits of her rights over Serbia, will remain convinced that the presence of these Commissioners on the part of Russia, was an act which might render, if anything could render, the legality of that election questionable.

Whilst every one was satisfied to see Serbia saved from the dangers that had threatened its Prince, and its government secured against the various evils of violence, discouragement, or despair—whilst Serbians and Europeans alike conceived that the question was now settled—that Russia had nothing further to hope, Serbia nothing further to fear, and consequently, both nothing further to do,—a day was not suffered to elapse before Russia—not indeed at Belgrade—but elsewhere, gave indication of her readiness and alertness to recommence the drama, of which an act had been closed.

As soon as the intelligence of the re-election reached Vienna, the Russian Ambassador of that court was ready with prepared words. In unmeasured terms he censured Baron Lieven, and declared that the concessions he had made were contrary to his instructions, and surpassed his powers! These expressions, falling from the lips of a Russian agent—not on the spot—not acting under express authority—not having a right to express an opinion upon such a subject, dispelled at once the confidence that the event that had occurred at Belgrade was a settled matter; although Austria, and England, and France, had given their assent to it, had all equally desired it.

Imploringly we appeal now to the Ministers of these Cabinets—we appeal to the nations of Europe—not in favour of rights that have to be asserted by their power in favour of a defeated suppliant—we appeal to them in favour of rights that have triumphed, and of success that has been obtained.

Unexpectedly out of her assault upon Serbia,

has arisen in the East mutual confidence between the Turks and the Serbians. Equally unexpectedly has arisen in Europe a certain degree of confidence and concert between England, Austria and France. That mutual confidence and concert she must now labour to break up. Let them, then, feel its importance, and cling to it. England and France will be brought by union, in respect to Serbia, to a position the antithesis of that into which they were brought by disunion respecting Egypt—union respecting Serbia can be obtained between them only by recognizing and asserting the rights of Serbia—asserting those rights against Russia. By doing so they complete their own victory—they shew it is a victory of theirs—they obtain the confidence of the Serbians and the security of their condition—they extend their shield over the Porte, and they secure one field, at least, of common sympathy and confidence between themselves. The highest obligations of duty imposed by law and right—the highest considerations of political advantage concur in this point—and in doing so they will merit respect and confidence of their own country, by standing forward to protect a people who have conquered the esteem and admiration of Europe. By doing so they will place in the path of the progress of Russia a Caucasus on the west of the Euxine that will become as impervious to her power and influence as the Caucasus of the East.

It is impossible to close this narrative without calling attention to one remarkable fact—we have at times seen single men starting up and being able to effect wonderful and incomprehensible things.

Had there appeared in Serbia amongst that simple race, a man capable at once to face and to subdue internal difficulties, and to meet and to triumph over external dangers, it would have been an epoch in itself, a blessing for Serbia, and a wonder for Europe—how much more that she has found two such men, and in respect to these two men there seems on the one hand no more the idea of rivalry between themselves, than of doubts in respect to the nation.

A recent traveller in that country thus writes : “ M. Petronievitch and Voutitch are the men who have governed and directed the people. After the revolutionary commotion which has changed the dynasty—which has expelled so many powerful men from the country—never did people present such order as that which the Serbian people exhibits, and and it must not be forgotten, that this people is continually worked by intrigues both of Serbian emigrants and of Russia.

“ Petronievitch and Voutitch have been able to spread throughout the whole people of Serbia, a desire to escape from the influence of Russia—to rely upon the Porte, and to seek the good will and protection of the powers of Europe.”

No wonder then that these men should be so particularly honoured by Russia, that she should require their expulsion—men whom her bribes could not seduce, nor her power intimidate, and who have saved their nation both as servants and as instructors, in times of difficult conduct and precarious judgment.

MILITARY OPERATIONS IN CHINA.*

THE military operations in China have been the subject of enquiry, by a Committee of the Colonial Society, whose Report has just appeared. This Report is a remarkable one. It is not restricted to military and naval operations, it does not confine itself even to diplomatic considerations, but it ascends to the higher field of moral, metaphysical, and constitutional enquiry. It represents a nation confused in intellect, and a constitution decayed in machinery. Upon this scene it brings forth a personification of crimes as heinous as dramatic. It asserts this nation to have lost the power of discriminating in common matters of justice, between right and wrong, and shews that it has utterly lost the power of doing right, if it desired it, and of preventing and punishing wrong when it suffers by it—it shews that the Cabinet Council does not consult in common, but may be led to the performance of acts, of which, as a body, it has no certain knowledge—that this body has superseded the authority of the Crown which thereby has lost its functions of *execution*—that it has superseded the Privy Council, which has therefore disused its faculty of

* Report of the East India Committee of the Colonial Society on the Causes and Consequences of the Military Operations in China.

foreknowledge—that the Parliament has abandoned its trust to investigate public acts when performed, to ascertain whether they are right, and to punish them when they are wrong. In consequence of this change in the working portions of the constitution, it represents previous control, and subsequent responsibility to be withdrawn from the acts of the Ministers of State; and that, therefore, it is no longer difficult to undertake, or dangerous to accomplish any criminal purpose. After this, it establishes that the acts committed in China were crimes planned in England under the full consciousness of their heinousness, and of the facility of escaping detection and punishment, and it states that when these crimes were planned and appointed, the Foreign Department was conducted by a man of special influence and authority—that he managed the affairs belonging to that department, independently and unfettered—that the Cabinet did not control him, but rather he the Cabinet. After shewing that it was not the nation, and not the Parliament, and not the Privy Council, and not the Cabinet Council, and not the Crown, that had been a party to these crimes, or had ordered, or sanctioned their perpetration, it then shews that all of these had been subsequently, by acquiescence, used for their perpetration, and implicated in their guilt.

Having thus stated the general objects of the publication, we must refer to the work itself, those who are curious to enquire further. In the mean time, we select some passages as interesting in

themselves, and as explanatory of its character and objects. The Indemnity question, respecting Opium, is thus disposed of:—

“All the opium within the Chinese seas was, by the laws of China, good prize to the captors, and all persons engaged in the traffic, whether natives or foreigners, were liable to capital punishment. There was no seizure made by the Chinese of any articles that were not contraband. No subjects of Great Britain were imprisoned, but those charged with the crime.

“In this point of view, therefore, no demand for reparation was possible, nor ought, if made, to have been granted. The duress, the violence, and the threats employed against Captain Elliot, were no infractions of the Law of Nations, for he possessed no representative character, and the trading community to which he belonged, was, with scarcely an exception, implicated in guilt, and the whole of it liable to suspicion. We could not have come into Court, as taking umbrage at such a proceeding, unless our hands were clean. The immediate question here was one of smuggling. The owners of the contraband articles were British subjects. The greater part of it was in fact grown by our Anglo-Indian Government. It was smuggled into China by British subjects, either as purchasers from, or as agents of, our Government. And, before the events in question took place, we had broken through the regulations of the empire, and had even fired broadsides against its vessels and batteries.

“Although the transactions are presented to us, as from one side, and detailed with excitement,—although we are but scantily furnished with the documents,—still, those we have, while they establish no case against the Chinese, make out none for the English Government. All that is made out is, that so much smuggled property was

seized ; that a much larger quantity was so seized than would have been taken, had the matter been managed between the Chinese Government and the British merchants, without the intervention of Captain Elliot ; and that Captain Elliot interfered without authority, and made an illegal order for the surrender.

“ There was then no injury done to our subjects by the officers of the Emperor. There was then no pretence for indemnity, no shadow of claim for satisfaction or reparation. There was then no case for aggression, whether by way of reprisals, or of war. These propositions are indisputable.

“ But we will assume them to be less clear. We will assume that there had been presumptions in our favour, and against the Chinese, at the period when the expedition was determined on. Yet, even in that view, the most favourable one which its authors have been able to present, the measure is as indefensible as ever.

“ Reprisals were only the pretext. It was not to reprisals that we had recourse. Warlike measures were, suddenly and in the first instance, undertaken !

“ Now, supposing that the object was what is here set forth, viz. to raise the compensation demanded by a seizure of Chinese goods ; nothing was easier. The great traffic of China, carried on coastwise, and the enormous trade entering her rivers, defenceless and entirely exposed to capture, gave to our marine the faculty of imposing conditions. But the same mysterious intention here again shews itself. The intention to create hostility was now become the intention to prevent the adjustment of the quarrel it had promoted. Reprisals, the means of reparation, are neglected. Then blockade, that ordinary proceeding of the late Foreign Secretary, and which would have realised the same ends as reprisals, is likewise neglected. Expeditionary movements, attacks upon cities

and harbours are commenced. We go to occupy a certain place, in order that we may thence negotiate! We send a letter, by a naval force, to different ports upon the coast of China, where its contents are indeed communicated, but only as a prelude to attack. There are delays in India, there are delays in China; but all easy, lawful, and practical measures are systematically avoided. Advantages, gained by the troops, are surrendered, in consequence of instructions sent to diplomatic agents. It is by such means as these, that a state of cruel, devastating, and demoralizing warfare is commenced, and prolonged for upwards of three years. The Minister, who had managed these proceedings, is displaced by a change of what is called the Government. It is then that steps are first taken to bring the warfare to a close."

The Committee then passes in review the conduct of the present Government in opposition.

"This was the only proceeding of that Minister, against which his successors had protested. While out of office they had denounced it as criminal. Than the action with the vessels in Anson's Bay, the present Secretary of State for the Home Department, "could not conceive any thing "less justified, or any thing more unwarranted." The whole of the operations, and the transactions which led to them, evinced, on our part, nothing but "the most pertinacious adherence, as it appeared to him, to an erroneous course, repudiated both by experience and reason; "—a course and mode of proceeding, forced on a proud and powerful people, to which the weakest would not tamely submit;—solemn and repeated warnings from confidential servants forgotten and neglected:—a trade, which these confidential servants declared to be piratical, "not put down by the interference of Government;—an

“ emergency long foretold and foreseen,”—and the danger of “ a war, in which success would not be attended with glory, and in which defeat would be our ruin and our shame !”

“ In language, as noble as emphatic, Mr. Gladstone, now President of the Board of Trade, denounced the “ hypocrisy” of our own pretexts, and vindicated the “ sincerity” and the “ moral right,” and the “ laudable efforts of the Chinese Government,” to do that, of which we had affected to make the justification of the war; and he declared, that “ he for one, should care little about its success.” “ A war more unjust in its origin—a war more calculated, in its progress, to cover this country with permanent disgrace,—he did not know, and had not read of!—If the British flag were never to be hoisted, except as it was then hoisted on the coast of China, we should recoil from its sight with horror. Justice in his opinion was with the Chinese. Whilst they, the Pagans, had substantial justice on their side, we, the enlightened and civilised Christians, were pursuing objects, at variance with both justice and with religion. Be the result of the war what it might, he would never flinch from the assertion, that the Noble Lord (Palmerston) was chargeable with its consequences! On his head, and on that of his colleagues, that responsibility must exclusively rest, unless the House should think fit to negative the motion of his Right Hon. Friend, by its vote on the occasion: *and thus become a voluntary participator in that great and awful responsibility !*”

“ Such were the sentiments of two members of the present Cabinet, the only two who, in the House of Commons, pronounced any opinion whatsoever as to the justice of the war. Yet, on coming into office, they protested not against it: they made no effort to withdraw from it: they

made no reparation to the Chinese. The power they possess in England has not been used to do justice, by punishment of the crime. In his own memorable language, already cited, Mr. Gladstone and his colleagues, "have thus become voluntary participators, in that great and awful responsibility." Under their auspices, the aggression has been prosecuted with effect, and brought to a successful accomplishment. A treaty has been extorted by them from the Chinese, and the success of our arms has been employed to compel payment of money to England, in the name of compensation, for property which the same Ministers, when in opposition, had declared to be contraband, and in the name of expenditure upon aggressive operations, then denounced as criminal."

In commenting upon these passages, the Colonial Committee have failed to strike the point. They strengthen themselves by the condemnation expressed by Sir James Graham and Mr. Gladstone, they ought to have pointed out that those words of condemnation were props and screens of that crime. What these men had to do was, to require that the Law should be obeyed, and those who infringed it punished; failing to require this, it mattered not what they said or what opinions they uttered. The Law, not censure, was their strength; the infraction of that Law they had to bring into evidence in the act itself. What would be said in private life if a man, whose house was broken into by violence, should go and claim the commiseration of his neighbours by arguing the unwarrantableness of the proceeding, because such and such an article of furniture had been selected for depredation. 'My house is broken into, the law is violated: that is

what he should say, and if he said more he would say nothing at all. What means reprobating an act, and not arresting the actor? What means the proclaiming that the breaking into a house is burglary, without seizing and punishing the felon? If the war in China was a crime, the man who made that war was a criminal. He was the violator of the Laws of England and of nations. That man was the Minister of England, at once upsetting its constitution, breaking its laws, in rebellion against the crown, and using its fleets and armies for these heinous purposes, without that nation's will or knowledge. It was not for them to declare his acts to be criminal, but to protect the nation by an appeal to the tribunals of the land. To term the act of a Minister a violation of law, and not to impeach the man, was to become themselves his accomplices, because betrayers of their country and assassins of the law. Not to impeach him was to enable him to perpetrate the crime, because it drew them out of the only, the natural, the necessary course for the arresting of it—and, unless they did it, there were no others to perform this duty. Supposing them to say, (the only available excuse) we did not impeach because we had not a majority—was it not their duty to make an attempt, whatever the consequences? And what would that excuse avail when they did possess a majority, and an overwhelming one? Did they then proceed to an impeachment? No—they took credit for the triumphs in China, and disputed with their projector for the glory of the enterprize.

But, as this Report shews us, the law is there to be appealed to.

“The Judges of Westminster,—those oracles of the State, those depositaries of tradition, more ancient than the State which they constituted, and which are more valuable to us, because they are now the only bonds that keep the nation together,—have not been silent. The truths of the past have received a testimony from the present. Westminster has again echoed with doctrines, worthy of the best days of the olden time. That which was, in those days, denounced as crime, has been even so denounced in this.

“It has been denounced, but in that olden time it would have been chastised. Then, the love of law, and the hatred of usurpation and tyranny, were not, as now, confined to the Bench of Justice. Then, no man was suffered to imagine himself withdrawn, by his inferior concerns, from the great circle of duties which bound him to the State. Then, the dignity or power of no man carried him above nor beyond the law, or screened him from the impeachment of the humblest citizen. But now, the sickness of the time has destroyed the energy of the patriot. The Avenger of the Constitution is nowhere. In vain is the crime denounced from the judgment-seat. The denunciation falls on deaf ears, or idle hearts; not a man brings the criminal to judgment.

“Yet the crimes that demand judgment are piracy and murder?—Whether as principals or as accessories after the fact, all Englishmen are at this moment guilty of these dreadful crimes, before God and the world, by the laws of nature and of nations, and by the law of England herself.

“Your Committee would ask, whether the nation, whether any one individual of the nation, is prepared to abide by this heavy load of guilt?—Whether any man,—know-

ing the dreadful character of national sins, and especially of sins such as these,—is prepared to acquiesce in his own responsibility for such ?—Whether a tardy reparation is, even now, to be made,—by the signal punishment of the authors of England's crimes,—or whether England herself is prepared to become the sacrifice ? For the alternative appears inevitable.”

If the legal positions in this Report are correct, it must be still open to any man in this country to pursue before the courts, the individuals implicated in these transactions for murder and robbery, and the High Officers of State commanding them, for treason.

Such an event would be indeed a blow struck upon the public mind, and if the indications around us of the growth of the renewed feelings of Britons be not fallacious, such a blow as this cannot be long in coming.

The Report concludes with the following observations :

“ The military operations against Afghanistan were undertaken, upon the divided—or double—responsibility, of the Foreign Secretary of State, and the Anglo-Indian Government.

“ The invasion of China was the direct and immediate act of the British Government.

“ The authors of the former crime did not venture to commit it, until they had framed some pretext for its perpetration. The pretext was the supposed existence of Russian influence.

“ For the crime against China, no such pretext was offered.

“ In the Afghan crime, there were involved grave and

intricate questions of general diplomacy, which had been transacted in the secrecy of Cabinets. Of the official documents, some were withheld,—in others passages were suppressed,—in others important alterations were effected. The result was to mislead the mind of the nation, as to the facts, and to confuse its judgment as to the conclusions.

“ But the Chinese question was clear and self-evident. Here was a pecuniary—not a diplomatic,—transaction. It was from its very nature amenable to the civil and criminal jurisdiction of a Court of Law. It was a matter of contract, and a matter of police :—and, in either point of view, a proper subject for such adjudication. In it, therefore, there was nothing to mislead,—nothing to confuse the judgment of the nation, nor of the parties engaged in it.

“ The crimes committed against the Affghans, were such, that every other sense was lost and swallowed up in that of their magnitude. There was in them no after-thought of pecuniary gains,—no endeavour after petty, sordid, or contemptible objects. The guilt was great, but every incident was adjusted to its standard.

“ But the crime committed against China, was an aggregate of acts the most infamous and despicable. There abhorrence predominated; here, contempt. To maintain a piratical trade,—to obtain compensation for the loss of it,—these were the pretexts, these the avowed objects of the British Government.

“ Study and research were demanded, when the illegality of the Affghan war was to be shewn. There, no authoritative judgment of a Court of Law had been pronounced.

“ But here the judicature has stretched forth its hand, and swept away the veil from the eyes of the nation. It has been made to look upon, and to know its crime. The popular ignorance has received light; not from individual inquiry,—but from grave and authoritative expositions,

rendered from the judgment-seat, by the keepers of the nation's laws, and the guardians of its justice.

"Thus, then, it is not the crime of a Cabinet, nor of a party, nor of a class, that we denounce—but the crime of the whole nation.

"The forfeit must be exacted. It is for us to determine in what manner it shall be paid.

"The violation of law, human and divine, must be expiated. It is for us to choose, whether the Minister or the nation is to be the sacrifice.

"But,—in whatever shape, and by whatever method,—that forfeit must be rendered, that expiation offered. England has but the choice of the victim. She must choose between the principal and the accessory,—between the Minister and herself. There is no other alternative.

"Danger and difficulty surround, ruin and infamy are before us. Respite is impossible; delay but magnifies the peril.

"One path, and one only, lies before us, by which escape is possible; but,—when we enter it,—we are saved. It is the broad and plain path traced by the Constitution. It is Impeachment!"

The motto to the work is,

"My Lords, it is a charge of Treason;—which is a Treason not ended or expired by one single act, but a trade enured by this Lord of Strafford ever since the king's favour hath been bestowed upon him."

The Report brings prominently forward the decision of the Court of Common Pleas, which disallowed the plea of warfare as justifying the supersession of a contract in the Chinese Seas. This is tantamount to the declaration of the unlawfulness

of those operations. This is in reference to an act, not to a proposition, an act—the destruction of human life, which must be the darkest of crimes, if not the gravest of necessities; it is an act which must be the most criminal, if not the most just.

The Report brings into contrast with this, the declaration of the Duke of Wellington, that this war in China was “most legal and just.”

We close this notice with the solemn awful position.—The man who is the idol of England, calls *just* what the tribunals do not allow to be *lawful*. Can a state live with such a conflict in its breast? “The honest man must see.”

COPY OF A DESPATCH FROM COUNT POZZO DI
BORGO, DATED PARIS, 22nd DEC. 1826.

PRINCE LIEVEN has transmitted to your Excellency documents relative to the pacification of Greece, which the Representatives of the Emperor, united to those of Great Britain, have communicated to the Courts of France, Vienna, and Berlin. I add a copy of the despatch which was addressed to me by our Ambassador with the above mentioned documents.

The Prussian courier having left this immediately after we had obtained the reply of the French Government, I seized the occasion to address to you that document.

Lord Granville having decided to send it also to Sir Stratford Canning, at Constantinople, I judged that it would be useful to bring it equally to the knowledge of the Imperial Mission, and I recommended to M. de Tatistchef, at Vienna, to send the packet to its destination after he had read its contents.

Notwithstanding my conviction that the whole of these documents are already in your hands, I add copies of them as a precaution.

These opportunities not having permitted me to enter into the details and into the peculiarities that have accompanied these communications and their replies, I will now endeavour to supply that deficiency by the present despatch, in order that the Imperial Cabinet may remain in ignorance of nothing that can throw light upon so important a subject.

After having transmitted to the Baron de Damas the acts that completed our communication, Lord Granville and I had with the President of the Council a conference more long and detailed.

Before entering into the discussion upon the special object of our conference, M. de Villèle said, that to re-assure the Turks for their future safety, and to calm the inquietude of a certain Court (meaning that of Vienna), the Allies ought above all things to conclude a treaty by which the actual *statu quo* of the Ottoman Empire should be guaranteed to it.

That they could then present themselves to the Divan with that document in their hands, and say to it, "You have no further any risks to run on the part of any power. Those who have assured your existence by this treaty require from you the restoration of your internal tranquillity by the

pacification of Greece." Such an attitude, he added, would give to us an irresistible influence, and that our first duty was to find the means of attaining it.

In developing this plan the President of the Council rendered himself often obscure by the care which he took to prove that his object was not to inconvenience or to suspect any power, and by the embarrassment occasioned to him by my surprise as he became intelligible.

When he had terminated I observed that these speculations were beyond the natural scope of the transaction, and I added that we were charged with the execution of certain definite and special orders from which we could not deviate, and I begged him in consequence to prepare his reply, as we were ready to offer him every explanation. Our conversation rested here, and we deferred the resuming it until the President of the Council should have perused the documents. The presence of the Ambassador of England prevented me from entering for the moment into a detailed refutation of the project of M. de Villèle, whether that project was a conception of his own, or whether it was suggested to him by others. Lord Granville said to me, in going out, that he desired to see this incident put aside, "*which appears*," he added, "*directed*

against your Court." (sic) I assured him that I would have with M. de Villèle a good explanation, and I promised myself to be able to bring him back to the true* state of the question. Two days afterwards I asked for an interview, in which I demonstrated to him that in no time had Europe thought of guaranteeing, by a formal act, the *integrity of the Ottoman Empire*.

That at the Congress of Vienna, where so many precautions of this kind had been taken, this one of which he spoke had never entered into the head of any one.

That Russia, in displaying generosity in her relations with the Porte, and in shewing inappreciable respect for the wishes of her allies in all that concerns their collective co-operation, with the view to pacifying Greece, had been obliged nevertheless to reserve exclusively to herself to determine her own differences with the Divan; and in like manner to watch equally over the execution of that which had just been stipulated at Ackermann.

That a general guarantee of the Ottoman Em-

* The English Minister having been subjugated, then the true state of the case for England is the Russian state of the case. England is the tame elephant now used with the next elephant that has to be tamed—France.

pire, independently of its being unusual and surprising, would wound the rights acquired by us, and the principles upon which they are founded.* It would subject the act that constituted them, and in which no one has a right to interfere, to the intervention of altogether foreign influences.

The precautions taken against the force and the nature of things, instead of being a means of security, would become, on the contrary, a source of division; because, since on each occurrence of troubles in a province of Turkey, the guaranteeing Power would be obliged to interpose, and that probably they would then find themselves less agreed than they had in their good wishes conceived themselves to be when they had established such a system.

That the sole guarantee admissible was that declared by the protocol of the 22nd March; because it had an object, special and defined; and that it became practicable by circumscribing it, and by the particular mode of the proposed arrangement.

By these reasons I begged M. de Villèle to con-

* *Qu'une garantie générale de l'Empire, indépendamment de ce qu'elle présenteroit d'insolite et de surprenant, blesseroit les droits acquis par nous et les principes sur lesquels ils sont fondés.*

fine himself to the question ; entreating him to pronounce himself directly and favourably in the sense of the protocol, and of the propositions that we came to make to him, in order that reproach should not be made to France to have made the least obstacle to the good success of an undertaking so useful for all.

The President answered me, that after having well examined the documents that we had communicated to him, he had renounced the idea of a general guarantee of the Ottoman Empire ; and that he found in the protocol above mentioned all that was necessary to gain the end that was proposed. He answered me that the King would pronounce again his adhesion to that act, and promised his co-operation to the measures that would be taken by common consent for its execution. That as to those, he would be guided by the letter of Mr. Canning of the 20th November, that is to say, that he would consent to withdraw the ambassador of France, if the other Courts adopted the same measure ; (!) he would profit by the alternative (!) that was offered to him, to give to his adhesion to the protocol a *more formal* character, and consequently that he would opine for the protocol being converted into a treaty.

As to the special guarantee, M. de Villèle declared to me that the King was resolved to engage himself in it only in as far as England would take part, and that she also should contract the obligations established.

This exposition of the views of the President of the Council appeared to me to realize all that we could expect from the French Cabinet in the actual state of the question; and I therefore declared myself sufficiently satisfied. Several councils were held afterwards in presence of the King, in which they deliberated* upon the reply that should be given to us. In the interval the Ambassador of Austria requested that it should be deferred until his Court had made its intentions known, but this

* The European Cabinets are set upon deliberating only when Russia proposes questions to them. This is just as if a body of scientific men, of geologists for instance, proposed a question regarding their science to a dozen men, selected at hazard in the streets. The proposals of Russia proceed from men qualified, by diplomatic knowledge, for diplomatic action. The Cabinets of Europe which have to decide upon her proposals are not composed of men who attain that position because of qualification in that line, but because internal faction has raised them to office. The only value in the publication of these documents is this—to teach us that we have neglected one portion of our affairs which have therefore only become embarrassing and important.

remonstrance was not listened to, and finally, the Baron de Damas called us together (Lord Granville and me) to deliver it to us. .

The Ambassador of England having decided to send it off at the very moment for London, I hasten equally to send it to Prince Lieven, in accompanying it with the despatch, of which a copy is subjoined, containing some explanations of Baron de Damas, which are calculated to confirm us in the idea that France will realize the promise that she has made to co-operate in the execution of the protocol by the means already indicated, and by all those which the Five Powers will judge fit to adopt for the future.

In reply, Prince Lieven addressed to me a despatch, from which it appears that he and Mr. Canning expected that France should pronounce itself—that in case the recall of the Ambassador was given up, she would threaten the Turks with drawing nearer to the Greeks, and that this would bring the definite recognition of its independence, that although characterized as a subsidiary and coercive means, and one the use of which, according to the letter cited by Sir S. Canning of the 7th November, supposed, according to our judgment, the *final* renunciation of the recall of the ambassadors, did not form, in the

note of which we have received the model, an object of demand. The only demand there put forward was, that the French Government should take into consideration the recall of the ambassadors, and it was after its general adhesion to the protocol, the point upon which my colleague (Lord Granville) and I had the most insisted ; but from the moment that it is judged advisable to produce the other portion of the plan, we will not fail to press it with all our force, and I hope that the reply of France will be equally satisfactory upon this point. Up to this moment, that is to say, three days after the receipt of the despatch of Prince Lieven, Lord Granville, as he told me, had received no order from his own Cabinet. This delay probably arises from the occupations of Mr. Canning, who will not fail, I presume, so to fulfil his promise.

The Baron de Damas has communicated to us the instructions which he has given to General Guilleminot at Constantinople. They required that Ambassador to unite himself to the representatives of Prussia and of England in the steps that they will take towards the Porte, as a consequence of the reply that the king has made to our communications. In explaining the passage of this answer that refers to the project of converting the protocol into a

treaty, the Minister spoke of the negotiations that would have to take place for that purpose. We begged him to avoid that phrase, because if it was known to the Divan, it would give ground to injurious suppositions so much the more—that we did not imagine that if this project could realize itself there would be other negotiation than that of changing the form while preserving the dispositions and the words of the protocol itself.

M. Damas promised to attend to our observations, besides the Count de la Feronays is charged to communicate his reply to your Excellency, who will, I hope, find it sufficient for all that is required to put forward at Constantinople in the first step to be there taken, and will consequently receive your approbation.

The idea of converting the protocol into a treaty was suggested, I have reason to believe, by Mr. Canning, during his sojourn here. This supposition occurred to me from the moment that I perceived in the letter that I have already cited of this Minister of the 7th (19th) Nov., that he offered the alternative of an adhesion *simple*, or of an act *more formal*, but it was confirmed by the communication that I had of the despatch of the Count de la Feronays, in which he said that this project, of

which Mr. Canning had spoken, and upon which he had to sound the Imperial Ministry, appeared to receive the approbation of your Excellency.

In agreeing that there existed no inconvenience in such an act (if, however, there is matter for a treaty, and that the transcription of the protocol of the 23rd March, in a document which recalls it, and which should be signed by the representatives of the Five* Powers at London, specially authorized be the form the most analogous to the nature of that Convention,) I feel the necessity of repeating once more that which I said to M. Villèle against a treaty which should contain anything else than the words of the protocol itself, and still less any proposition, direct or indirect, which should have reference to a guarantee of the Ottoman Empire in general. This idea, put forward and withdrawn by the President of the Council, has inspired me with so many suspicions as to the source from which it may have taken its origin, that I cannot abstain from avowing the alarms that I have conceived

* This shews that Russia wished to involve the Five Powers in the Treaty, which subsequently became the Treaty of 6th July, 1827, between the Three Powers only. Finding it impossible to bring Austria into that nefarious deed, she left Prussia out, more effectually thereby to counteract opposition to it.

from it, and from returning upon the reasons that ought to induce us to reject it in spite of my conviction that France will abstain from reproducing it.

As to that which concerns the special guarantee which has reference to the arrangement respecting Greece, if it does take place, and in which France declares she will participate only in the case in which England would consent to the same engagements, it appears to me that that question ought not to be one for us.

In offering his guarantee, and in accepting that of others, His Majesty the Emperor has sought support from no one. He has, on the contrary, promised his, as a proof of his moderation, and in order to dissipate the fears that it was possible to have conceived respecting the use to which he would employ his forces. If, in spite of that overture, the allies of the continent believe that it is more advantageous for them not to take occasion of such an offer, —whether because England refuses to consent to it, —whether without her they are decided not to bind themselves by engagements that she should not contract, the Imperial Cabinet has, according to my judgment, no interest to insist upon their acting otherwise.

There is another truth worthy of observation,

In abstaining from taking part in this guarantee, the Cabinet of London would presume too much on their *good* nature, in pretending that its constitution was an obstacle. The Constitution and the Parliament admit of guarantees, when they are judged useful, and the king of Great Britain does not hesitate more than any other monarch to contract such obligations, whenever he finds them conformable to his interests. Witness the guarantee of Portugal, which menaces to become to-day the cause of a pretext of setting the world on fire.

If in the actual case the English Ministry abstains from guaranteeing, it is because having to be a principal party to the arrangement, it acquires by that alone *the right of intervention*; England therefore would wish to reserve to itself the faculty of acting, without contracting the obligation to do so, and thus prepare for herself the advantages, without incurring the charges of the transaction. This truth is evident, and it has not escaped the penetration of France.*

* This represents the form in which the diffidence of England to involve herself in the engagements in which Russia wished to lead her, for convulsing the Ottoman Empire, is to be made use of with the French Government, to bring France into the same engagements, through suspicions awakened respecting the motives of England.

In spite of these considerations, the actual state of the question dispenses us from dealing with this point at present. It may be re-produced and discussed, when, the arrangement being made, it will be better understood what has to be guaranteed, and under what form. We are at this moment so far from that desirable conclusion, and the course which Mr. Canning has indicated, in his letter of 7th (19th) Nov., appears so undecided, so complicated—I will even add so timid, that the mind does not dare even to seek the issue to which it tends, and at what period, and through what accumulation of unforeseen events that issue will be obtained.

I have imposed upon myself, also, M. Le Compte, to bring to the knowledge of the Imperial Cabinet the facts that belong to this important affair, and that have taken place on the occasion, of the communication addressed to France, and to submit to you these observations which have appeared to me to flow from it. Your Excellency will have received at the same time from Prince Lieven information exact, relative to the views of the Cabinet of London, and as to the causes which have influenced the direction which it has given to this negociation. The replies of Austria and of Prussia are equally

before you. In anticipation of results, I will apply myself to cultivating the favourable dispositions of the French Ministry, and I will await the ulterior orders which will reach me, to receive them with submission, and to execute them with the most scrupulous punctuality.

I have the honour to be,

&c. &c. &c.

OBSERVATIONS ON THE DIPLOMACY OF RUSSIA.

By the despatch published in this number it will be seen that France had no deliberative voice in the treaty of the 6th July. The idea of M. Villèle was to assure the independence of the Ottoman Empire, by a treaty which placed it under the safeguard of the common laws of Europe, and then to have proceeded to the pacification of Greece. He is arrested by the very demeanour of Count Pozzo di Borgo in the exposition of his views, and is coldly told that the matter is already taking its course, and that discussions of this kind are irrelevant, England and Russia having united to act. Then the European minister, unable intellectually

to cope with the Russian representative, and fearing to be excluded or left behind, rushes immediately to give his consent to the execution where he had no voice in the deliberation, and where that execution was at direct variance with the general proposition which he had to submit. The conversation here detailed, is in itself sufficient to make any man understand the causes of Russia's progress and of Europe's embarrassments. She qualifies men for conducting international affairs ; they do not. She causes them to pass through a course of study, which to the other nations is as that of a dead language ; she then propounds to them riddles which they cannot solve.

M. Villèle, evidently suspicious of Russia, with the double view of rendering easy the arrangements with respect to the Ottoman Empire, and preventing the possibility of Russia's taking advantage of the acts of the Powers of Europe for her own behoof, proposed this general guarantee of the Ottoman Empire. He meets by this proposal the special propositions that came to him from England and France to interfere in the affairs of Greece. The Russian ambassador then gets rid of the English representative ; and he uses with the French minister arguments against his project, which arguments were convincing ones for the necessity of its adoption, and he succeeds. He shews to M. Villèle the anxiety of Russia to resist a guarantee of the Ottoman Empire. What argument could more clearly shew its necessity ? He tells M. Villèle that the

guarantee of the independence of the Ottoman Empire would wound the rights which Russia had acquired, and the principle upon which those rights were based. This establishes Russia to be engaged in the subversion of that independence, which M. Villèle felt it essential to preserve ; and the result is, that M. Villèle is satisfied that his proposition is inadmissible. Then the proposition of Count Pozzo di Borgo is beneficial ; and, arrested in attempting to walk to the East, he straight applies himself to walking to the West. Thus, by propounding to the Powers of Europe enigmas which they cannot solve, does she make use of them to solve for her difficulties which alone she could not overcome. Count Pozzo di Borgo does not leave this reason unsupported. His first objection to a guarantee of the independence of the Ottoman Empire is, that it would be an interference with the rights of Russia. His second argument is, (and this is one which may be well worthy of the consideration of Lord Aberdeen at the present moment), that a guarantee of the Ottoman Empire would lead to disagreement between the Powers of Europe, as a necessary consequence of their intervention in the internal affairs of Turkey. The object of such a general guarantee as this proposed by M. Villèle was, as the effect must have been, to prevent the interference of any State in the internal affairs of Turkey. But Russia had already involved England in the protocol of the 23rd March, by which she had engaged to interfere in the affairs of one province of Turkey ; so that at

the very time that Russia was resisting a measure of general guarantee, which would have interfered with her involving England and subsequently France in special interference, she was presenting to them an argument the most conclusive against the one act and the other, namely, the danger of collision between themselves as the consequence of such interference. The Russian ambassador thus said to the French minister, "To attempt a guarantee of the Ottoman Empire is to insult Russia; to execute a guarantee of the Ottoman Empire is to divide yourselves." He then adds, "We care not what you do, because England and Russia are united." Of course he obtains his ends. M. Villèle, unable to cope with the Russian representative, abandons his position, and then comes forward actively to co-operate, where he had not been allowed the faculty of deliberation.

No sooner has M. Villèle given up his objections than an alternative is proposed to him. This is a very formidable position—a Minister of a State, to whom is proposed an alternative, is already under constraint. An alternative is not proposed, when a proposition is offered, but here there was only a proposition to be accepted or not. An alternative is only proposed as affording a subsidiary means of escape from a position that is untenable. Now, what is this alternative proposed to M. Villèle? It is that he should give a *more or less formal* adhesion to the proposal of the Russian and English Cabinets! "Your proposition is valueless against

us ; we won't discuss it with you, we tell you that we have gone beyond it ; we require from you assent to what we are doing, and we propose to you therefore an alternative that you shall be *more or less* vehement in your concurrence with us." A beaten minister seizes with avidity the opportunity of saving his self-love. He therefore accepts the alternative of more instead of less, because it suffers him to appear to lead those by whom he is conducted. He proposes a treaty—that of the 6th July.* The Russian Minister, in reporting to his Government the circumstance, quietly says : “ *This is all we could expect under actual circumstances, and I therefore declared myself sufficiently satisfied.*”

Had M. Villèle understood any thing of international law, he would have known that it required no general guarantee to prevent the interference of Russia in the affairs of Turkey ; it required but honesty in any minister of Europe to prevent it. At this moment, he himself representing France, was

* The value of excluding the proposition of M. de Villèle is signalized in the very terms of the declaration of war against the Porte two years later. That declaration says :—“ A war with Turkey involved no complication of the relations of Russia and her allies—no compact of guaranteeship — no political obligation connected with the destinies of the Ottoman Empire with the reparatory stipulations of 1814 and 1815, under the shadow of which, *civilized and Christian* Europe reposed from its long discords, and saw its governments united by the *memory of a common glory*, and by a happy identity of principles and intentions.”

averse to Russian projects, and was desirous, as his words shew, to maintain the integrity of the Ottoman Empire. Austria was at that time not merely a bar to Russian progress, but actively engaged in endeavouring to counteract it. In December 1826, Austria and France were opposed to Russia. There was in her hands only at that time one implement—England; and in England there was only in her hands one man—Mr. Canning. We will afterwards see by what process Mr. Canning was so placed; and this treaty, which M. Villèle's self-love was gratified by being enabled to propose, was also rendered available for the same purpose with Mr. Canning.

Is it not clear to any man, looking back at our position, with our present experience, that M. Villèle was over-reached by the superior capacity and intelligence of the Russian representative? But it is not here Count Pozzo di Borgo against M. Villèle. Any Russian representative would have acted as well as Count Pozzo di Borgo, and every European would have been as easily subdued as M. Villèle, perhaps more so. It is therefore system against system. Now, supposing that in one country arms were prepared, or ships built in a superior manner to what they were in another, would not the chiefs of the artillery, or navy, in the countries which did not place themselves on a footing of equality with the other, be considered highly reprehensible? and yet here it would require great labour, great sacrifice, great expence, to equal their rivals.

Their duties in respect to these departments would be rated according to the knowledge, not of themselves, but of others. The English navy is rated not by itself, the French navy not by itself; but the obligation and responsibility of each rises in proportion to the knowledge and experience possessed by other States. If this is true with regard to guns and ships, and in sciences by which these are constructed and applied, how much more must it not be so in regard to that science of which ships and guns themselves are the mere instruments?—that science that disposes of whole States, that preserves, that destroys, that, anticipating, can prevent or bring about events, that preserves peace, or that inflicts war—that science in fact which is the eye of nations, by which they see their state, as well as the hand of nations by which they act—Diplomacy,—a priesthood at once and a science—a priesthood in whose keeping is placed the charters of right, and a science upon whose accuracy depends the character of men, and the destinies of the world. It is true, this office and this science you see perverted only to purposes of evil, but that is only because nations that are honest in purpose have not qualified themselves to prevent the injury inflicted upon the world by scientific villany.

What, then, is the crime of a nation, what the baseness of its rulers, who can submit to be inferior in knowledge in such a matter as this? Nothing can be more heinous, more base, or shameful, than that Russia should be in one point, one

iota, superior in the conduct of her diplomatic affairs to England. Why is she so? It is not in her nature, it is not in her thoughts. An Englishman will not consider himself, individually, an inferior animal to a Russian. How is it then that without shame any Englishman can recognize, as every Englishman does, that the diplomatic intelligence of Russia is greater than his own? or recognise with equal facility that of diplomatic intelligence England has none? Will he not then proceed a step further, and say this is a dangerous as well as a shameful condition to be in? Are there no means of emerging from it! To whoever asks that question, the answer is easy, as is the escape. Be ashamed of your condition, and you will soon be out of it. Let a sense of universal shame for that inferiority be felt, and then you will have half-a-dozen young men, perhaps, sent at £50. a year to qualify England to understand diplomacy as well as she understands ship-building and gunnery. That is all that is requisite; but, without such men, escape from it you never can. Day by day will you become more inveterate in your disputations, more complicated in your laws, more perplexed in your circumstances, more frivolous in your minds, more heedless of your affairs. Day by day will your external position become more endangered, your character among nations more infamous, and in proportion as your mind sinks, so will your affairs be involved; every day, every hour, will recovery become more difficult.

But diplomacy is a practice, while it is a science. It is the conduct, hour by hour, of government, as well as maxim, doctrine, and law, and the men appointed to act, if they do not understand, must mismanage. And if a nation places men in the conduct of its affairs in face of men, conducting the affairs of other nations, abler than themselves, these men will be committed against their country, and committed against what is right, and their internal power and influence will then be banded together to keep the nation in darkness, and to familiarize it with dishonour. Its armies and navies become the instruments of foreign powers, and its rulers not enemies only but conspirators.

This document bears upon the means through which the Treaty of the 6th July, 1827, was arrived at, which loaded Europe with those chains, in which it has danced since then. The slightest glimmering of light thrown upon the means then employed is invaluable—here we have the thing itself. In perusing this document no one can fail to be struck with the laboriousness of the service of Russian diplomacy, its minuteness, its exactitude, the weight given to matters not only looked upon amongst us as frivolous, but not known to have existence, and thence each slightest word and action of ours, heedlessly uttered and asserted, becomes important matter to her—as being at once the basis of judgment and the means of action. We have seen in the

despatch printed in the last number, that in so momentous an affair as the war of 1828, her calculations were based upon an estimate of character in a certain man, that man—the Duke of Wellington—and that character—timidity. In attaining the Treaty of the 6th of July, she equally bases her operations upon the character of a particular man—this man was Villèle—and again the *character* timidity. And what other can be the character upon which she can base *her* conduct? And what can the statesmen of Europe be but timid? And how else could she succeed? Ignorance is cowardly, knowledge only is brave. Thus by little means does she convulse great states, playing upon the weaknesses, the vices, and even upon the passions of these men, who are great in the eyes of the nation, which they paralyse and debase, pretending to represent—men who support the pretence of greatness, but whose weaknesses have so completely become her strength, that her object is to maintain that presumption of greatness not in the eyes of others only, but of themselves.

The Treaty of the 6th July, 1827, was by the process here detailed worked out by the Protocol of 23rd March, 1826, which was considered a matter of such importance for England, that the Duke of Wellington in his ill-health was sent to St. Petersburg to complete it, and by it, in the eyes of Canning, the progress of Russia was to be arrested, by making England her partner.

In this despatch it appears, that Russia had not

the trouble of urging this Treaty upon France. The English Minister is no sooner involved in the Protocol, than it becomes his pride and honour to steal a march on Russia—to convert the Protocol into a Treaty, to appear thereby to *lead* the French Government. Thus it is that by setting those Ministers that are enacting the pretension of greatness, to work out her purposes, she closes up every avenue in their minds to the detection of her designs, or of their deception; and if doubt invades their own consciences they then *fear* that light should break in upon themselves, and have above all things to take care that the nations whose Governments they have betrayed, may not suspect either the wrong they have done, or the deception they have suffered; they must involve nations in passions, they must unite the rest of the world, if necessary, in subserviency to the designs they have themselves detected, in order that their meanness and subserviency may not be discovered; they may then die of a broken heart, without leaving either their agonies or their fate a lesson to their country, or a warning to their successors, as Napoleon did even to a heedless people.

IRISH CATHOLIC HIERARCHY AND THE EMPIRE.

[The following letter is from the same source as that which appeared on this subject in No. I. of the *PORTFOLIO*: and it is so necessary an addition to it, that we present it entire to our readers. Its exposure of the baneful effects of faction, and its veneration for the sanctity of the law cannot fail to strike the reader, but the remark which we then made we repeat here; that the letter is from an independent source, and is not to be considered as our own.]

TO THE ARCHBISHOP OF TUAM.

MOST REVEREND LORD,

Whence comes the opinion which denies to your Grace the knowledge of public affairs? How was it that the heresy first found reception which declares that clergymen have nothing to do with politics? By what process did even Catholic minds become imbued with the corruption?

There are those, my Lord, to attribute all this to the Reformation. When the empire ceases to be Protestant, they say, its affairs will mend, and we shall mend with its affairs. Such reasoners forget

that the empire was Catholic immediately before the Reformation. They confound effect with cause.

But let them be ever so right in their silly expectations of what others will do in the case supposed, what reason do they find in that for not presently setting to work in the task of their own amendment. Of the disordered body politic they are the disordered members. The cure of the whole may be for the present beyond their art. That is no reason, I imagine, for not essaying their art upon the members. Their own malady is capable of examination and relief. I cannot see why the treatment of it is to be postponed until such time as other patients, whose case is not a whit more dangerous, shall be ready for the same.

What British and Irish Catholics are at the present day, such will they be when they number a majority of the population. If they are now suffered to seek elsewhere than in religion and law, the rule of their political consciences, it will be the same with them when every Whig, Tory, and Radical in the land shall have joined their banners. Every accession they receive will assimilate itself unto them. The lump may be larger or smaller, but it is the leaven which ferments it.

Thus, it is not enough to undo the Reformation. There is something more than that. Thus, it is neither safe nor wise to wait till that event, for the application of the remedy. Such an event, doubtless would very much facilitate the treatment of the local malady. But the cure of the latter may be

effected, even though the gist of the system continues to be disordered. To urge delay upon such grounds would be madness!

What, my Lord, has been our conduct in regard to public affairs since 1829, when our partial restoration to the rights of citizenship permitted us once more to take our part in them? Have we acted as though we remembered the great traditions of the past? Have we shewn, by our deeds, that hatred and contempt which he who stands upon the Rock of Ages cannot but entertain for the degeneracy and guilt of modern times?

At the period of emancipation, our position was most advantageous. By our own sustained efforts, helped and guided by the forethought and energy of an able and a practised leader, we had at length retrieved the losses of 150 years, and wrested from the hands of Faction the advantages she had so unjustly held since the days of Charles II. We were repossessed of our ancient inheritance upon no other title than that by which our fathers had held it. We made no terms: we submitted to no conditions. We took it back discharged of every wasteful obligation wherewith usurping occupants had in our absence profligately encumbered it.

Other religious bodies had been merged in one or other of the great factions that divided the state. We alone had been the prey of all factions alike. We alone had never known them in any other relation than that of oppressor and oppressed. We alone rated them at their just worth. They traced their

parentage to the reign of Charles the Second. We were older than the Octarchy.

It was to be supposed that we would be sedulous to preserve this precious independence, and to transmit it to our children. My Lord, have we done so?

No sooner was the Relief Bill the law of the land than it was said by a few of us, and warmly responded to by those who were not of us,—“Henceforth religious distinctions are at an end. Henceforth, it will not have to be asked, who is Catholic, and who is Protestant? but who is Whig, and who Tory?” It was the aim of all of partisan opinions to induce us to get rid of that sense of religion which had hitherto sustained us, in order that they might secure us for themselves. Hence our religious sense of duty to the Commonwealth was denounced and laughed at, under the name of sectarianism. Faction, on the other hand, was presented to our view as though it were the Constitution it was endeavouring to destroy.

We did not believe the tale, but we listened timidly and with silence. It was even whispered that we ought to seem to concur in the representations that were made us. It was said to be for our interest that we should attach ourselves to the most powerful faction of the day, and the more so, because at that day the most powerful faction happened also to be the same which for some years made Catholic Emancipation its war cry.—On the other hand we saw the Tories. They were the

faction which, after having so long obstructed our emancipation, had at length yielded it; not from a sense of justice, but because it had the information that the advance of a French army upon the Rhine, and of a Russian fleet and army upon Constantinople, would be nearly simultaneous events with an Irish insurrection. We owed them no thanks for the surrender. They were, above all, the minority, and we had no reason to anticipate benefit to our cause from any alliance with them.

These things were pointed out to us, and received without much disfavour. It is true that we were no wise favourers of the faction we were courted to join. But an alliance seemed a very different thing from an adhesion. The latter would have been the instant destruction of our independence: the former, pre-supposed and maintained it. Moreover, an alliance might be of long or brief duration. Whether it was to endure or not would depend upon the faithfulness of the other contracting party, and the posture of affairs. We might support the Whigs without joining them. We might vote with the Liberal faction, and yet disown every one of its principles. If the Reform Administration did justice to Ireland, we might do all that is necessary towards keeping that Administration in office. It is true, that this could not be done unless we voted for every measure of the Cabinet, without too much regard to its merits. But it would not therefore follow that we approved of the measure, or were

pledged to its principle. The contrary presumption was rather to be drawn from it.

If your Grace were to ask the question, I believe that nearly every Catholic who has been in public life for the last fourteen years, would give you some such reasons as the above, for his line of political conduct. Of course they would have to be recast, in order to account for the conduct of those who joined the Opposition. But the difference is only nominal. There is as much faction in a standing Opposition to Government, as there is in a blind support of it. If the Treasury members sacrifice the country to the end that they may keep their chiefs in place, it is the unceasing object of their opponents to drive these out, and to bring their own chiefs in, and to promote it they are willing to make the same sacrifice. It is the fixed idea in which every other consideration is swallowed up. The whole is to be destroyed, so that while the destruction is going on, we may gratify our will with a part. Let me here remind your Grace that the same false morality and unsound logic are discernible in those passages from Repeal speeches, on which I animadverted in a former letter. Rather than that Ireland should be without her Local Parliament, the dismemberment of the Empire, of which England and Ireland are but two integral portions, would be endured by many Irishmen. The invasion of Canada by an armed American force would be a god-send to them. It would be a god-send to the Whigs. If the Tories were out of office, it would be a god-send

to the Tories. Repealer, Whig, Tory; — every partisan rejoices in the national disaster, provided that it be the means of triumph to the miserable faction whose partisan he is. Every “infirmity” of the Empire is made welcome as an “opportunity” of personal disaster to political opponents. The royal ship is to be stranded, that the guilty survivors of her company may enjoy at leisure the pillage of her wreck!

It is made our boast that, in the Lower House, the votes of Catholic Ireland in 1831, turned the scale in favour of Reform. It is made our boast that, in 1834, the incessant exertions of the same body of men drove from the Grey Cabinet an influence which had blighted all the hopes of Ireland, and which threatened evil to Catholicity in every part of the Empire. It is made our boast that, in 1835, we, in like manner, brought the Sovereign himself into a conformity of views with those of our liberal confederates, and compelled him to restore his Melbourne Administration. It is made our boast that from the General Election of 1837, down to that of 1841, while there was a British majority in the Lower House, opposed to that Administration, the votes of Catholic Ireland were again strong enough to turn the scale, and keep it in office. I can follow Irish Parliamentary history no further. In the Parliament of 1841 she has ceased to appear. She has abdicated her trust. Her representatives have seceded to the Corn Exchange.

It is not that I mean to pronounce an opinion upon the usefulness of the objects thus promoted by Irish votes. I am far from saying that the Reform Bill was not wanted. I do not deny that the retirement of Sir James Graham, accompanied though it was by that of Lord Stanley, was not a desired consummation. Nor will I here attempt to censure the restoration of the Melbourne Cabinet, nor its long maintenance in office. I will even assume that these measures were harmless, if not laudable in their way.

But, my Lord, I do say that much more laudable it had been for the votes of Catholic Ireland to have been also registered on the side of law and justice. The strength which placed Downing-street at their mercy would have warded off many a blow from the Empire, and its foreign allies and well-wishers. Had the Irish members but known how to keep them from faction, Poland would have been free! Circassia would have been at peace! The Ottoman Empire would have been independent! The Peninsula would have been enjoying the blessings of a restored, instead of the curses of a fabricated constitution! Austria would have remained what she once was, Europe's bulwark against Russia! France and England would have never ceased to act and feel in concert! China would not have known England but as her distant and friendly customer! Affghanistan would not have been laid waste, its cities burned, its children slaughtered! The Sinde would have been still un-

conscious of the British crime! Russia would have been humbled at every point. She would have continued to be the abomination of her victims; they would have continued to look to Britain, but it would be to invite help, not to repel aggression. Russia would not now have become their protectress!

Does your Grace suppose that these things are not justly chargeable upon Ireland? I answer that the charge must rest where the means of prevention existed. Ireland which created and kept in place those that were the Ministers to her mind, had means to keep them honest.—These alas! are days of Parliamentary government. For the crimes of that Government let them answer, who control the Parliament.

Thus, had the men, whom the events of 1829 brought into Parliament, kept them aloof from either faction, how different had been the results! —We should have beheld them adjusting the balance between the two, not destroying it for the benefit of either. They would have voted with both, and against both. The country and the world, my Lord, would have extolled and blessed their constancy in well-doing. Faction alone would have condemned them.

The case, as your Grace has seen, was otherwise. Ireland lost her opportunity, and misused her advantages. More criminal than her sister isle, she at least was conscious when she did the wrong. To obtain her ends she sacrificed her position. The

sacrifice was consummate, but her ends were further from her than ever. She rushed into the arms of a faction she despised. The alliance brought her much contempt, and no rewards to make it palatable. She was disgusted with it, she broke it off. But the change was occasioned by remorse rather than by repentance. Ireland had entered the ways of faction, and had not the courage to recede. Repeal with her took the place of Reform ; and, in making it her war-cry she made herself her faction. It was but one more added to those by which the empire was already distracted.

Thus, my Lord, in the short space of fourteen years, our emancipation from the penal laws has led us into a far worse bondage. We have learned to associate Politics, or citizenship, with Faction. We have learned to estimate moral worth by an appeal to mere partisan opinion. We have learned to confound political honesty with obstinacy in error and crime, and to say, with Basil Hall,

“A *party* man’s the noblest work of God !”

Nor is the vice confined to the laity. Unhappily, my Lord, many prelates and priests have yielded to the movement, and have even placed themselves at its head. The Bishop of Ardagh declares, that if a Coercion Act be passed for Ireland (an occurrence nowise impossible, however improbable it may be!)—it is his Lordship’s intention to retire with his clergy within the sanctuary, and, from the altar, suspending all religious teaching, to preach the

Repeal! I believe, my Lord, that in the meantime this Bishop of Ardagh, in common with the rest of the hierarchy, is bound both by priestly and episcopal vows, to teach religion to the people, in season and out of season,—whether they hear and whether they forbear, and whether he preaches Repeal or not! His Lordship, on a much later occasion, has openly declared before the people, that “if Repeal be long withheld, he,” all Bishop as he is, “is not the man to prevent an agitation against rents, which, once begun, would shake the empire to its very centre!”* The wondering hearers applaud a declaration so much in unison with sentiments long cherished in the secrecy of their bosoms, but for which they had looked to receive anything but approbation from their prelates. In that melancholy declaration I feel assured that you, at least, my Lord, concurred not, and that the promulgation of your sentiments would be the condemnation of him who uttered it. Make them known, my Lord! Let the Archbishop of Tuam, in his wider sphere of usefulness, repair the mischief done to public and private morals, which these words of the Bishop of Ardagh must inevitably produce. None knows better than your Grace how evil a thing it is when the prelate descends from the chair and mixes with the multitude:—evil at all times, but by far more evil in these, since now the very multitude is allowed

* Speech of the Bishop of Ardagh, at Tullamore, 16th July.

to corrupt itself with the maxims and the practice of unbelieving and ungodly men.

It is thus that we crawl on in the servile wheelrut of imitation. It is thus that we first copy the vices of those with whom we live, and then hide the shame under their borrowed phraseology. It is thus that we shut our ears to the truths of the past. It is thus that we despise the few teachers, who, with your Grace, still endeavour to enforce them. It is thus that we, who, when *private* duties are in question, are still wise enough to receive and profit by your lessons, affect to regard in our *public* duties matters beneath our concern, but far above your interference. It is thus that we do our best to be as unlike as possible to that model which Massillon proposed alike to ascetic and to citizen: “Etre “séparé, vivre à part, et ne pas ressembler à la foule.”

To the hierarchy, of which your Grace is a distinguished member, it especially belongs to warn your fellow citizens, for they are also your spiritual subjects. It is to you, my Lord, and your august associates, that we of the laity are bound to look for direction, where duties are at stake. It is for your Lordships to command performance—it is ours to obey. Such is the high condition which you renounce whensoever you bind yourselves to Faction. Thenceforth your real supremacy is forgotten in your assumed dependence. You make yourselves the henchmen of the chiefs, under whose leader-

ship the majority happens to be placed. You feel yourselves in no position to look too closely into their endowments, whether of head or heart. You feel that not only your rank, but even your personality are lost and swallowed up in the vortex which whirls around you. You have henceforward no voice of your own. Your only organ is the leader of the day, and by his mouth, not yours, are your convictions to be expounded to the public.

Such is—such must be the position of the prelate who, embracing some delusion of the day, attaches his high name and character to the fortunes of a party. It is the logical consequence of his free and deliberate choice. His ability to recede from the choice at any moment, far from lessening, only aggravates his responsibility. If it were a choice for better and worse—one from which there was no receding—the case would be different. We should then be forced to abide by the *fait accompli*, and our only endeavour would be to make the most of it. Still condemning the choice, we should be satisfied with repentance of the individual. We should entreat upon him to secede from his associates. We would even encourage and assist them for his sake, where their common undertakings would, but for their partisan character, have deserved such countenance. We would then justify our proceedings by the reflection, that the step taken was irretrievable, and that it only remained for us to endure with patience what was not to be

remedied, and might, by being neglected, be made worse.

But for the sin of Faction no such apology is to be made—it becomes the more guilty and the more abased the longer it is persisted in. Its ties are impotent to bind the will. If the will submits to them, it is because it binds itself. One effort and those ties are snapped asunder. The effort is not made. The will is distempered and diseased; it loves its chains;—it fears to break them:—it handles them tenderly, lest they break. What sympathy, my Lord, can plain men feel for so depraved an appetite?

I know that those who would bind your Grace to their chariot wheels, pretend to call it co-operation. They do not in broad language demand the surrender of your post, but they ask you to retain it for their service. They are willing that you should stand upon your watch-tower, for no other purpose than to espy the movements of the rival faction, and to denounce every operation from whatever quarter that threatens their own destruction or weakness. They call upon you to eschew an Empire and to cleave to a Province. They exhort you to betray your sacred trust to both. When the sword is coming upon the land, they beseech your silence. When it is not, then they would have you sound the trumpet. They invite you to abandon the frontier to the enemy, that you may find leisure for civil war, and to betray the empire to the common foe, that the provincial dissensions of England

and Ireland may have free scope. They "invite your co-operation," my Lord, and that of your brethren in the hierarchy, lest haply, if you stood aloof, their crimes might attract your notice, and elicit your heavy condemnation !

Do not misapprehend me, my Lord. I do not condemn Repeal. I am no friend to the Act of Union. It is the present agitation of Repeal that I condemn. It is to our common empire and its laws that I render my humble tribute of veneration. The end which your present allies propose to their countrymen is most just and righteous. The means which they employ to that end are alone hateful and impious.

The Act of Union is a nullity. It binds neither her Majesty nor the subject. The prerogative might be exercised to-morrow, and an Irish Parliament assembled, and no enactment would be wanted to give validity to the measure. Yet the Act of Union was the solemn act of King, Lords, and Commons. It was the solemn act of a British Parliament. It was the solemn act of an Irish Parliament. It has been for more than forty years solemnly ratified and confirmed by the successive acts of fourteen Imperial Parliaments.

Whence then the nullity of the Act of Union ? My Lords, it was because of its great and shocking injustice. It was because it could not be enacted without an infringement of the Constitution. It was because those who made it their act, had no power to make it law. It was because the legisla-

ture had no power to destroy itself—to transfer its functions—nor even to divide them with another. It was because the power of law is greater than the power of Parliament.

Thus, my Lord, the stronghold of your cause is the Law. When your nation ceases to respect the law, it abandons its last entrenchments; when it proclaims its own indifference to right, it loses its only claim on the sympathies of just men. When it give its welcome to guilt—be it the guilt of this empire, or that of foreign states—when it hails in every aggression, in every disaster, and in every species of crimes only another opportunity of attaining its own ends, it deprives itself of the right it undoubtedly possesses of denouncing in the manner it deserves, that gross and illegal measure, the destruction of its Parliament. Wherein, my Lord, are your countrymen and mine to be distinguished? Not, certainly, in their love of law! Not, certainly, in their hatred of injustice! Not, certainly, in their appreciation of that heretical word, Expediency! In fourteen short years you have learned parrot-wise to babble in our own perverted speech. You have learned not only the phrase, but its application. You employ it, as we do, to stifle virtue, and to extinguish the sense of crime.

What demonstrations your people have made of their indifference to crime, I have already enumerated. What demonstrations they have ever made of an attachment to law and justice, I have yet to learn. Their forefathers used what means the

Constitution gave them to obtain respect for that Constitution and to punish each infringement. What have they done? With means at their command far greater than any which their forefathers ever possessed, they have not arrested one of the great iniquities which are now bringing upon us and them the vengeance of just Heaven. They have not brought one of the authors of those iniquities to the bar of Parliament. They have grand juries, but there has been no presentment. They have municipalities but these have ceased to deliberate. They have the liberty of the press, but its only mission is to foster lawless and internecine strife. They have the freedom of petition, that birthright of the subject, but no petitions have approached the throne praying for justice upon the criminal, and redress of wrongs to the oppressed.

I am aware that the priests, which thrive the most by keeping alive this terrible delusion, endeavour to represent to you that these high aims are above your competence. My Lord, it is the law of this free country, that each of its citizens shall know its affairs, and do his best to keep it in its duty. I grant that the law is disobeyed in this as in many another particular. But the disobedience of the citizen cannot abrogate the law, and that law is as much in force in these degenerate days, as when it was universally obeyed and nowhere reasoned about. I have yet to learn that there are any matters too high for the concern of the meanest patriot amongst us. I can conceive

that there are many matters (for example the affairs of faction) too low and base to merit his attention. But the higher they are the more important they become, and the nation at large, and every individual composing that nation, are the more bounden to investigate and to understand them. There is not a court leet but has the right, and therefore, when occasion calls for such, the obligation to send up its remonstrance and complaint, in the guise of a presentment to the feet of the Sovereign. There is not a county court, but is in like manner bounden to come forward. There is not a justice of assize, but is called upon to warn his hearers of their solemn obligations and the crimes of their country. There is not a grand juror among those addressed, but is bound to give an echo to that warning.

Say not, my Lord, that Centralisation has deprived your land of its Parliament, and cramped and confined the usefulness of the institutions it permits you to retain. I deplore, as much as you can do, the triumphs of Centralisation. I shall rejoice over the Repeal of the Union, if for no other reason, than that it will be one good blow to that destroying principle. But have you employed to their uttermost extent of usefulness the constitutional organs you have been suffered to retain? You have not done so. In no instance have you laboured to make them available for the service of the state. Yet you have not left them wholly unemployed. They have not been idle in

the cause of Faction. Your municipalities were Orange, while unreformed. Reformed, they are become Repealers. Citizenship, justice, law, are as little studied by the new aldermen and councilmen, as by their predecessors. The same observation applies to all classes and conditions of your social organization, from Parliament-men down to Poor Law Guardians. The latter have indeed afforded a most notable illustration of the truth of my words. If there were any plausibility in that figment of your "best public instructors," which pretends to limit the competence of the citizen to concern himself with public affairs, it would be much stronger as to one filling so local a character as the holder of this merely parochial office. But the Boards of Guardians have *eo nomine* been petitioning for Repeal, and the Repeal prints echo their praises. They urge with perfect truthfulness that the character of Guardian is swallowed up in that of citizen. I can only wish them a somewhat clearer perception of that most wholesome of truths.

What is far worse, my Lord, this decay of zeal has invaded the sanctuary. Can you wonder at the progress of the heresy, which denies to the ecclesiastic, not only his undoubted right of supremacy in political questions, but even the right of interference? It is because the ecclesiastic has ceased to exercise those rights. It is because he, too, has confounded the use with the abuse, and dealt with faction, as though it were synonymous with politics. When he becomes the fellow of the culprit, he

must cease to be his judge. It is vain to censure, where he is himself amenable to the lash. Accordingly, he, too, like the layman, has lost the value of that political character, which he maintains in appearance and in name. The scandal is immense. The guilt of partisanship is never so palpable, as when it displays itself in the priest. Laymen, the most factious, come forward, and, in their own perverted phrases, endeavour to express their condemnation. "What," say they, "have churchmen to do with *politics*?"

Your Grace needs not be told, that, in the right sense of the term, churchmen have everything to do with politics. It is a duty which is forced upon them. It is the privilege of the laity to have churchmen to consult. We cannot live without the comprehension of our affairs, nor attain to that comprehension without your assistance. Nor is it for the first time, that the light which enlightens the paths of diplomacy and statesmanship is sought within the sanctuary. The Church, my Lord, was ever the authority between nation and nation, people and king, citizen and citizen. The whole field of political science is but an acre in the vast domain of duty. You, my Lord, are one of the tillers of that soil. It is the proper scene of your labours, for it is also your inheritance.

Leave the rest to the alien. Be it his to raise a market for his doctrines. Be it his to speculate in opinions and in sects. Let those who have no vocation to guide the consciences and purify the

thoughts of men, bestow their pains, if they will, upon the barren soil of dialectics. Unfitted for the judgment-seat, let them wrangle on at the bar, and bewilder with language where they have no authority to teach. Let these follow in the wake each of his kindred faction. They are labouring in their trade. They are fulfilling their vocation. It will be consummated in the ruin of the State.

May God avert the omen! May He inspire our prelates with the spirit of wisdom, and piety, and strength! May they, in their high vocation, labour for the safety and welfare of the State, with the same zeal which animates sullen and sectarian efforts for its destruction! The end is with the Almighty. The means are with his Ministers!

I am, my Lord, with the deepest respect,

Your faithful son in Christ,

TRAMONTANUS.

August 12th, 1843.

SCINDE AND THE CONSCIENCES OF MILITARY MEN.

THERE are yet some witnesses in the land, some men born upon the soil of England, that see what Englishmen are, and grieve for what they do. There are some who, labouring against hope and life, if unable to change the seasons and the times, may still plant some seeds of repentance and restoration, which may spring up and flourish in a nation's eyes, when it pleases PROVIDENCE to spare us success in crimes—when some disaster and retribution too heavy to awaken merely hardened vengeance, at the least, and yet sparing the stem of the guilty tree, shall lull for a moment the sounds of folly, and soften for a time the hardened heart. Then will these words of denunciation, now drowned in the roar of faction, and now addressed to hearts of stone, be received, and then may misfortune when it comes be converted into a blessing, crime be changed to repentance, and despair to hope. So in the present instance, a gentleman, one of those principally concerned in the affairs of Scinde, and who had come home with the view of bringing the infamy before the Court of Proprietors, is disabled for a time at least from the prosecution of this noble task by the consequences of care and labour.

If it is a fearful thing to see the mind of a maniac wielding the limbs of a man, and to see such a being armed with deadly weapons, and using them for a deadly purpose, unconscious of the strength it wields, unconscious of the wound

it inflicts, unconscious of the guilt it incurs, and displaying in triumph, and charmed with the acts or the danger it has caused, and pleased with the colour of the gore upon his hands,—if it would be a frightful sight to see a maniac playing with the head it had severed from a human trunk, what appalling sight must it not be, to behold a maniac nation plunging its hands in human gore,—in seeing a maniac nation, whom to bind there is no human strength, familiarising itself to the practice of the destruction of human life, as if it were an amusement and a sport, and successively breaking every link that attached it to the past, and effacing every trace of charity, good-will, morality and faith. The instrument of our maniac deeds in Scinde,—Sir C. Napier, he who furnishes his employers with the best means of defending themselves against those, whom he scoffingly designates as “sticklers for right,” is not the tranquil villain that these documents would represent. He is one whose conscience has misgivings as a so-termed Christian, as his bravery must have misgivings as a so-termed British soldier. A cowardly attack for covetousness must be, even in these days, yet an unwonted task, for one of the men who has fought England’s battles, when she struck for justice, to protect the weak, and to bring down the powerful, and the shedding of the blood of innocent helpless men, may well to a man belonging to a land where the name of CHRIST is pronounced, lead him to address to his Maker a prayer, that “he may be forgiven if he has been doing wrong.”

There needs no such prayer when such prayer can be made. He who doubts or can doubt that the cause in which he lends his arm is just—that man is a murderer, living in the continuous perpetration of his crime. The blood of man shall not lightly be shed, and if it could be shed honestly by a doubting hand, then what use would there be in the laws of men, or in the commandments of Heaven! But when he who sheds his brother's blood without necessity can satisfy his conscience with appealing to his Maker to forgive him if he be wrong, continuing the while neither applying his soul nor conscience to ascertain whether he be right or wrong, nor desisting in doubt from the act itself—then indeed the broken laws of men cry aloud for an avenger, and the insulted commandments of Heaven,—the awful words “Thou shalt do no murder,” not having arrested evil in its course, stand to justify the vengeance that shall be taken of such a people as this.

What an extraordinary thing it is to see a nation considering itself Christian and moral, supposing that there can be, in the obligations of a soldier to the State, anything that dispenses him from the obligations of his conscience, and that sets at nought thereby the laws of the land and of God—it is too awful to be contemplated, and yet this frightful delusion is in the mind of every man in Britain. He conceives that the oath which a soldier makes to the State, and which ought to make man more, and not less, a citizen, is to justify him to himself and before his Maker in perpetrating murder.

Those same so-called reasoning beings would not conceive that the soldier was justified in forging, because he was ordered to do so. But what is the most strange in this delusion is, that any illegal command given to a soldier—(a soldier is bound to obey none but those that are legal) is itself a violation of the laws of the land. The “obedience” they require is the setting aside of law, because the command is illegal. It is at a period when enormous masses of men are organised as instruments of destruction, and that consequently every additional check that it is possible to devise, should be placed on the power that can use these instruments, that all check is given away, and the governments are peculiarly tempted to commit crimes, and soldiers are told by those who hold not their government responsible for their acts, that they (soldiers) are responsible and punishable if they execute not murder when ordered.

We conclude with the words of Dr. Channing:—
“The young soldier is taught as his first duty, to obey his superior, without consulting his conscience; to take human life at another’s bidding; to perform that deed, which, above all others, requires deliberate conviction, without a moment’s inquiry as to its justice; and to place himself a passive instrument in hands, which, as all history teaches, often reek with blood causelessly shed.”

“In anguish of spirit we exclaim—How long will an abject world kiss the foot which tramples it? How long shall crime find shelter in its very aggravation and excess?”

SERBIA AND SPAIN.

IN the first number of the Portfolio was detailed a most remarkable line taken by the French Government, in regard to Serbia. The French Government was shewn to be on the side of England, not of Russia. Anxious to rescue England from subserviency to Russia, and having sense to see the wrong, had not courage to resist it, or ruler to stand aloof from it; but ready to support England, if England could be brought to stand by her, or to think or act for herself, and failing this, in dread of the last created phantom "*Isolements*," ready to group round Russia with the other shades and shadows called European Governments, which she can assemble with a beck and scatter with a frown.

These statements have since received confirmation from the official organ of the French Government. The article is worthy preserving in the records of the Serbian transactions, and will be found hereto subjoined. It confirms France's disposition to oppose Russia, her consciousness that it is her duty to support Turkey, her sense of respect and admiration for the Serbians, her sense, too, of the powerlessness of Russia, and of the mean subserviency of the Cabinets of Europe, and with all that, from the beginning of the Article to the end, is the same meanness of spirit and powerlessness of heart revealed, which is now the common, undeviating character of every govern-

ment of the Gothic race, and is the necessary consequence of the emasculating effect of *secrecy* in the conduct of the great affairs of a people—which modern people call “*foreign*.”

The article we refer to begins with these words : “ The events which have just been accomplished in Serbia *merit* the attention of the public. Although not as interesting for France as the drama which is at present being concluded in Spain, they cannot be indifferent to her, inasmuch as they are highly important for her neighbours, Austria and Russia.”

Serbia, not so interesting as Spain ! What gives interest to a state ? It is either the characters which the men present, or the interest which connects us with their destiny. What do we see in Spain ? Faction—change upon change. What can interest in such a state ? unless folly and confusion are interesting to men. These are all internal, all domestic—it is a complaint of the bowels—and no question of trespass and assault ! What do we see in Serbia ? A little province and an illiterate people coping with, as the *Journal des Débats* says, and overthrowing European diplomacy with all its “ skilful arrangements.” It is a people not moved by faction, not agitated by passions, but united in love. What honest man that will not be moved ? What patriot that will not be strengthened by such a sight ? Wherever there is a generous impulse and an honest heart, must Serbia be interesting, if only for the qualities she has displayed. But with whom is her struggle ?—not with herself—but with the stranger—a

stranger, powerful, terrible, with a strong arm, a piercing eye, a cultured head, and an adamantine purpose, and a relentless heart,—a stranger that can overreach and break down,—that can corrupt and destroy,—that can reward and punish,—that stays not in his march, and changes not in his course,—that has brought the great of the earth into meekness to his will, and subserviency to his desires, and admiration of his qualities. It is this stranger, Russia, whose iron sceptre, or whose velvet hand coerces or guides all that Europe contains,—that Serbia rears its head against,—daring to deny what he requires, to defy what he threatens, and to resist what he attempts. This is what, above all things, most interests good men. The greatest of earth's monarchs is the enemy of men's rights, and the defence of those rights has been assumed by the weakest of provinces. Justice then has not lost her power,—thousands on thousands of revolving years still leave it true that—thrice is he armed, whose cause is just. Europe, too, still preserves a soil which produces honest men, and the records of primeval men are proved before our eyes—to shame our doctrines and our laws—in the sight of a united people.

The Spaniard is more interesting, indeed, to *you* than the Serbian, for an excellent reason, he is liker yourselves.

Now, as regards the interests that connect France as a state with Spain and Serbia. The interests of one country in respect to another, depend not upon its internal condition, but upon its external circum-

stances, whether it is endangered by some other state, or is itself encroaching. Our interests as nations have respect solely and absolutely to the maintenance of law between states and to the prevention of wrong. When, neglecting these obligations, men travel to vain and empty speculations, whether of politics, faction, or commerce, or sympathies, or the like,—then the life of citizenship is gone. Relations of state and state are most strictly, severely, and solemnly, matters of law; and law is no law, unless it be justice. Spain could therefore in no way be interesting to France, if France were an honest nation, because no nation has a right to interfere in the internal affairs of another. To France—being an honest nation—nothing could be so deeply interesting as Serbia. There is a question of interference of state with state—an interference as interesting intellectually in its process, as politically in its results. It is the assailing of a people, and at the same time of a sovereign, and making the insult to the one, a means of injury to the other; and so *vice versa*; and the injury sought to be inflicted is not limited to a province, but in its consequences extends to an empire—not to one empire only, but to two. The blow levelled against Serbia, driving, if successful, a flaming shaft into the very basement of the structures of Austria and Turkey, and affecting directly, the whole Slavonic population throughout Europe; and this transaction touches every dominion, power, authority, existence, race, and faith in Europe; but it does not interest

them—it only interests Russia—for one thing is fact—another is comprehension. France, to feel interest in Serbia, would require to understand every thing which she understands not, and chiefly two—the first, her own laws; the second, Russia's acts. If she did so, she would feel the deepest interest in Serbia; but then she could feel none in Spain. But it is not that this neglect of Serbia's rights, or care for Spain's agitations, springs from lusts and passion; on the contrary, she has nothing to gain, and she has only loss and danger to incur from this dishonest disregard of the laws of all other nations, and the duties, therefore, of her own. Agitated about Spain, she heeds not the progress of Russia, and paves the way for her own, and Europe's subjugation.

Now as to the neutral position of England and France, the triumph of the Serbians was obtained with the *quasi* sanction, both of France and England. This afforded an opportunity for the union of those two countries. The interest of France given to Serbia, would tend to maintain the independence of Serbia, to consolidate and confirm its victory, and thereby establish a ground of friendship and union with England, which France is so desirous to obtain. On the other hand, her interest in Spain tends to foment the convulsions of that unhappy land, and has alone, with similar dispositions in England, kept alive in Spain the embers of internal discord, and has continued to inflict upon that wretched country periodical convulsions, collapses,

and struggles, perpetuated by necessary alternations of victory and defeat. This has been the result of the *interest* of England and of France supporting the separate factions in Spain. Agitations cursing the country upon which they fall, become then the means of disunion between England and France themselves, and calling this or that party in Spain by the name of England or of France, they conceive themselves *interested* members, and are humbled, or elevated by the chances and the accidents of the passing fortunes of a leader of a party. And what adds to the sum of fatuity in the French Government is, that far from sharing in the jubilation of France, in the apparent triumph it has obtained in the discomfiture of the party designated English, in Spain, it is only anxious to make that pretended victory available to conciliate to itself the good-will of the English Government. Alliance with England is what it seeks—yet it treats as a minor matter, the field where that alliance may be secured.

Turning now to the affairs of Serbia, as was prognosticated in the last number of the Portfolio, the matters are not settled by the confirmation of the election of the Prince. Now the two ministers are to be recalled, otherwise the Emperor refuses to acknowledge the legality of the proceedings.

Russia has obtained all she has asked, the confirmation of the people's choice. If now she goes on asking for more, must it not be clear to Lord Aberdeen, that what she seeks is not expressed in the reasons she assigns, and if so, that whoever is

a party to what she does is a mere dupe and instrument? He is bound, as being a party to the transaction, to see that it be closed when the conditions, which he admitted, are complied with. The matter is thus brought within the limits of the transactions to which we are accustomed in private life, and in regard to which Lord Aberdeen recognises the obligations of honesty and conscience. Russia now has a new demand, namely, that two ministers of Serbia be removed from the country.

Let Englishmen make this case their own. Suppose that the King of the French should demand that Lord Aberdeen and Sir R. Peel be removed from Downing Street,—suppose also that these two Ministers were not the leaders of a party, but the object of the universal affection of a whole people,—what should we think of the Government, if Austria, it being no party to the intended injury to us, and being injured and menaced indirectly by the consequence of this usurpation over us, in tame abject cowardice, it not only looked quietly on, but yielded its assistance? Would it be any excuse for the baseness of the Austrian people to say, “We don’t know what our Government does, our Government does not give information to us, it does what it sees fit to do, and we never hold it responsible for its acts.” We should answer *them*, “Your *reason* is more despicable than your act; ye are bondsmen and slaves.”

JOURNAL DES DEBATS ON SERBIA.

The events which have just been accomplished in Serbia merit the attention of the public. Although not as interesting for France as the drama which is at present being concluded in Spain, they cannot be indifferent to her, inasmuch as they are highly important for her neighbours, Austria and Russia.

When in the month of September, 1842, Prince Alexander was elected by the Serbian people, Europe, which readily believes in the ability and Machiavelism of the Russian Government, imagined that this revolution was the work of Russia; but, in order to contradict this belief, the Russian Government protested against the Prince's election, pretending that it had been done irregularly. This was the first act of the drama. Turkey wished to maintain the Prince's election, and there was reason to believe that she would be supported by Austria, England, and France. The result proved otherwise. Austria, contrary to the principles of her monarchy, which never saw with pleasure Russia approach the Danube, seeing with displeasure the fall of the Obrenowitsch family, supported the pretensions of Russia and Serbia.

Abandoned by all parties, Turkey could not of herself resist Russia; she yielded, and this was a great moral victory for Russia, for it was visible to all eastern nations that nothing was done at Constantinople except what Russia wished.

Russia, knowing the value of appearances, thought it wise to be as tolerant at Belgrade as it had been haughty at Constantinople. She consented that Prince Alexander should be a candidate at the new election, to the great disappointment of the Austrian Government.

Serbia has already had the glory of establishing her own independence. On the late occasion, notwithstanding the

skilful arrangements of the European diplomatists, she has maintained the Prince whom she placed at her head. Contrary to the demands of the Russian envoy, Baron Lieven, that the Prince's councillors, Wacsitsch and Petroniewitsch, should quit the country, an assembly of the people whom Wacsitsch harangued, and to whom he observed that 'the Serbian forests would not be less green were two old trees cut down,' exclaimed, 'No! a thousand times no!' and proceeded with arms in their hands to Hafiz Pasha, the Turkish Governor, to declare their unchangeable determination to maintain the Prince and his two councillors, Wacsitsch and Petroniewitsch. Hafiz yielded with a good grace, enjoying, no doubt, the check experienced by Russia and Austria. Baron Lieven declared that the Emperor of Russia desired only to see union and concord amongst all Serbians, and thus the firmness and energy of the Serbian people diminished at Belgrade the victory which Russia had obtained at Constantinople. It is thus that the right of intervention which Russia reclaimed, and which had been acknowledged by the Sultan and by Europe, has been rendered illusory, even in Serbia; and it is thus, in fine, that Europe has been apprised, if she wishes to be so, that there is in the East, independent of Turkey, a point of resistance against the encroachments of Russia.

Since the above was written, an important event has occurred—a debate in the House of Commons. The English Premier has spoken. Again is England exhibited wallowing in its hopeless slough, and revolving in its vicious circle. On the 15th of August, Sir Robert Peel charged Turkey with successive breaches of her treaties with Russia in respect of Serbia! On the 15th of August, Sir

Robert Peel took Lord Palmerston as his authority in doctrine, and his example in act; and called himself a better Minister! On the 15th of August, Sir Robert Peel heaped obloquy and contempt upon the Serbians, quoting the following passages from the despatches of the English consul at Belgrade, which despatches Lord Aberdeen had refused to make public, not concealing his disbelief of their contents, and his mistrust of their author. The following are the passages as quoted by Sir Robert Peel.

“It is quite a reign of terror here. The prisons of Belgrade are crowded with political prisoners, and Semlin is filled with refugees, the consequence of the late change in the Government.” On the 15th of September, Government was told that “the recent election of a Prince was a mock election, carried by the suffrages of successful rebels,” and that treachery, corruption, and violence were exercised. On the 2nd of November, in a letter to Sir Stratford Canning, the writer said, “I have already adverted to the frightful condition of Serbia under its new ruler, and I again assure your Excellency that such a system of terrorism was hardly within Christian imagination. I now owe it to truth to make further and emphatic declaration that the late changes in Serbia *were not brought about by the wishes of the nation*. The wealth and intelligence of Serbia are against the present condition of affairs. Seven of the districts are, almost to a man, in favour of Prince Milosch. The lower description of labourers, as well as proprietors, express their sentiments, under well-founded apprehensions of torture or death.”

Sir Robert Peel then, with strange inconsistency,

declared, that "*he was not the representative of Russia in that House.*" He then admitted that there could not be a doubt that the second decision (the re-election of Prince Alexander) had corresponded with the first, and that the choice now made "*was in conformity with the general wish of the Serbian people.*"

But degradation, as it seems, had reached its term, and worked the commencement of a cure. Lord Aberdeen said, that he had more important matters to attend to than Serbia. The debate of the 15th of August may convince him that he has the power to render any matter important by managing or neglecting it. May it be a warning in time to the Ministers of England, that to escape difficulties something more is requisite than a wish to avoid them.

"Mr. D'ISRAËLI could not have believed that the Right Hon. Baronet could have really answered the speech of the Noble Lord by bringing forward extracts from the despatches of the consul who at present resided at Semlin. When they recollected that that consul had furnished the Government with a great deal more information than had been mentioned by the Right Hon. Gentleman, and that he had informed the Secretary for Foreign Affairs that the infatuated youth, now at the head of the Serbian people, would be hurled from his post of honour, that "*infatuated youth*" having been since found to be a man of mature age, upwards of forty years ; when the consul described the Serbians as a barbarous people ; when they remembered all this—and that a Noble Lord, a member of the Government, in another place, presiding over the depart-

ment which received the despatches of that consul, had expressly repudiated them, he could hardly believe that the Right Hon. Gentleman could have come forward and quoted from the communications from that consul, those communications being the only part of his speech which formed a semblance even of an answer to the speech of the Noble Lord opposite. It might be said, in answer to that Noble Lord, that that consul was his own functionary, to whom he entrusted the fulfilment of important duties, and that he, therefore, was stopped from objecting to him. But that would not be an answer to satisfy this House. It was only about a year ago, since seeing how that person had been changed from the west to the east, he felt it his duty to bring before the House the character of our consular establishments. He went into no personal details; had it been his wish to do so the catalogue was large, and the materials were ample. He made no personal references, except what was necessary to show how diplomatic duties were devolved upon those whom they treated as commercial agents, and to refer to the disgraceful expulsion of the English consul from Serbia, and how the person newly appointed had come to this country under a disgraceful charge; and how the Noble Lord opposite, not finding his vindication satisfactory, refused to employ him till after the lapse of a considerable time, when, by means of influence which he would not now stop to detail, and in the last agonies of the administration, he was appointed to a position which he then told the House would be a position of paramount importance to this country. They now found this gentleman, when called on to act, acting in a manner which, to say the least of it, was suspicious, and furnishing information which the chief of the Government in another place declared to be false and fallacious. Yet the Right Hon. Baronet had no other mode of vindicating his Government than by reading extracts from the

malicious gossip of that consul. If the Right Hon. Baronet would inform the House that the only guide to the Government in the policy which they pursued in Serbia was the information received from that consul, that declaration would be a sufficient answer to the Noble Lord, especially if he would add that no instructions on the subject were given to any ambassador, and no communication received from any one, and that this piece of policy was left entirely to the sole management of this consul, who was quoted here to-night, but was thrown over in another place. If they examined for a moment the other portion of the Right Hon. Baronet's answer to the Noble Lord, and looked to what he said with regard to treaties, he could scarcely believe that the Right Hon. Baronet alluded to the treaties of Bucharest, Akermann, and Adrianople. The Right Hon. Gentleman, however, gave him no information, except that the old musty treaties of Bucharest and Akermann, and he might almost add of Adrianople, were to be brought into the consideration of the subject. But he must say that no possible stretch of the human intellect could find anything in those treaties to justify the course pursued by Russia. It was impossible, therefore, that we could combat her designs unless we clearly understood what we were about. As for supposing that we could combat them by miserable extracts from consular despatches, it was ludicrous to think of it; and he regretted, for the sake of the reputation of this country, that such an exhibition as had been witnessed would be circulated through the world. * * *

The two positions were, the Sound, in the possession of Sweden (Denmark); and the Dardanelles, in the possession of Turkey. No one could deny that Russia approached in some degree in every year, and in one year by three hundred miles, to both positions. That was the malady of foreign politics, and the only question was, were

there resources in the Levant which, if wisely applied, would make Turkey sufficiently strong to maintain the independence of the Dardanelles? That never could be the case if the policy of the present Government with regard to Serbia should be followed. It was useless to attempt to conceal the state of Turkey. She was now prostrate, not so much from decline as from having been stabbed in the back through diplomatic action in 1828, arising from great prejudices, and combined with intense ignorance. Turkey had the finest climate and most fertile soil in the world, and was free from that artificial evil—a national debt. Such a country did not seem to be extinct; and why then did everybody seem to cry out that there was not the slightest chance of re-animation for Turkey? Some said, because she had lost some of her finest provinces. But the same might be said of England when she lost her American provinces. Others said, because her fleets and armies had been destroyed. But so had the fleets and armies of every country but our own. Others said, because her capital had been in the possession of an enemy. But so had Vienna been, and Paris, and Berlin, and every capital in Europe except London. Others said, because its real Turkish population was trifling compared with the other population of the empire. But it was as great in proportion as the pure German population of Austria to the general population of that country. Austria would have fallen long ago if she had been subjected to the same treatment as Turkey had been by a power which coveted her most fertile provinces, and exercised over her a deep policy founded on ample knowledge, and combated by us with the most superficial policy, founded on ignorance so extreme that he believed the annals of history in no age could furnish a parallel to it. He had hoped that that would not be persevered in, but after the answer of to-night he despaired. They had been

often told that they ought not to interfere in questions of foreign policy, and that it was better to devote themselves to domestic interests. But what was the result now in this 13th session of the Reformed Parliament of their devoting themselves only to domestic interests? There was not a man in the House who would pretend to say that the situation of the country was any other than of a most critical character."

Now it is not the time to despair when such things are said in the House, and when doctrines and statements that have hitherto been represented, as proceeding only from a few "Enthusiasts and Fanatics,"—proceed from men who combine the influence of talent and Parliamentary position, and are directed against the actual mismanagers of affairs by their own supporters.

Another good augury is this that when last in opposition Lord Palmerston assailed the Government for its foreign policy in reference to Russia, his labour was to justify Russia in her assault, and to vituperate the nations that she assailed, Turkey and Persia. How much altered then must be the state of affairs, when he finds that line impracticable or finds the other beneficial. That change is in this, that the Government are more Russian than in 1828, and the nation less so.

The question is now the expulsion of the two Ministers of Serbia. This was the point to have brought into evidence,—it is the vital one. This is the question between Russia and England,—now England yielding upon this point, she has given up everything. Lord Palmerston, knowing the question

thoroughly, does not warn the Government of this danger, he does not shew to them the facility of avoiding it,—no, he prepares them for surrender, while appearing to denounce them for subserviency, and contemptuously speaks of “Voutitch and *another* who had been instrumental in the proceedings of that *violent election*.” Here is England placed between a villany, in the leader of one party, that is above its intelligence, and in the other, a baseness that is beneath its comprehension.

The country is greatly indebted to Lord Sandon. He too admitted that Government had been misled by the inaccuracy of its information, and he revealed to the nation, that the established duties of a representative in Parliament, were not the advantage of a faction,—that their duties had reference not to knowledge, but discipline.

He reproached the late Foreign Minister with “not interfering in the affairs of Poland, as much as the present Government had done in behalf of Serbia.” Here he is wrong, for that ex-minister acted just in the same sense as the present Government, namely, in supporting Russia against her victim, but *he* had been *successful*,—they had failed! Lord Sandon might have taken credit to himself if he had done to Lord Palmerston but mere justice, for he had voted for Lord Palmerston on the occasion referred to, although he spoke against him! His reason being, not that his vote against his speech would damage his own leaders, but because it would have damaged his antagonists—his own party not thinking

fit to come into office. Poor unhappy England ! well dost thou deserve thy fate when such are thy authorities—thy true representatives.

The Consul-General in Serbia had been placed there by the present Government's predecessors. His representations to London have coincided with the representations to Paris from the French consul. These supported the representations made by Russia in the commencement of this affair, that it was to protect the Serbians against the violence encouraged by the Porte, that she, according to her treaties, interfered. The English Government and the French Government, both at first, thus deceived regarding the facts, admitted her pretensions,—and therefore, intelligent with respect to the character of the agents who had thus in so singular a manner served Russia's purposes. Subsequently undeceived, both Governments reproved their agents.

Now Sir R. Peel meets the reproaches addressed to him in Parliament for his own conduct, by furnishing the nation with this false testimony ; and the very newspaper that reports his speech contains information from Constantinople, that this self-same agent, the Consul of England, is acting in unison with the consul of Russia to foment dissensions in Serbia, which dissensions, when they have reached their head, will be then used triumphantly by Sir R. Peel in the House of Commons, to justify his subsequent concurrence with Russia in new acts of aggression, violence, and cruelty, against the Serbian People.

NOTICE OF A TRACT UPON "THE DUTY OF THE
CHURCH OF ENGLAND IN RESPECT TO UNLAW-
FUL WARS. BY DAVID URQUHART. Second
Edition. Maynard, Pantton Street."

THE letter which bears this title is one, with the contents of which it is of importance that the readers of the "Portfolio" should be acquainted. It is the publication of a letter which had been originally addressed, in manuscript, by its author, to an eminent episcopal dignitary of the National Church, in prosecution of some previous conversational endeavours to draw his attention to the matters of which it treats. It is a denunciation to the guardians of the nation's morals of the crimes upon its conscience in our ILLEGAL WARS ;—wars so profligate, so faithless, so motiveless for any useful as well as any honest end ;—so perfectly adapted, and insidiously prepared for ends of national betrayal, as to present, upon the whole, a spectacle unequalled in atrocity in the authentic annals of the world. But its especial object is to shew that these crimes could not have been committed, or attempted, or have passed unnoticed, except as incidents of chance, *much less could have remained unpunished*, without revealing a condition of the country, *as it regards its mind and its conscience*, as senseless and as criminal as were those wars themselves, and far more dangerous than any wars could otherwise have

been. It was an endeavour to make his Lordship feel that, which by its publication it has been since sought to awaken the community at large to a perception of; that is to say, the fact that such things could not have had existence except where a whole people had become, not only heedless, but demoralized; where private citizens and public functionaries, even to the priests who minister around the altars of the God of Justice, had lost all sense of conscience, by which nations live, all care for right, and the knowledge of their most solemn and most important duties as citizens, that is, as men. It is therefore an appeal to that Mitred Dignitary, in his twofold character of Prelate of the Church and Peer of Parliament, to purge the kingdom and to cleanse the altar from the gore of murder which defiles them both; and so restore to this endangered and degraded realm its safety, character, and honour; to the Church, the Government, and Citizens, the condition of integrity and faculty of conscience.

When that time shall have come—as, if these efforts fail, it will, more early than the race of drivellers, whom we now call statesmen, have the power to dream—when the history of the fall of England shall be written by an observer, from a point of view which our factious blindness forbids her present children from attaining, he will probably remark, that in no other case of similar events has been exhibited in contrast, such strenuous individual labours for a State's salvation, and such por-

tentous blindness and infatuation of a people to prevent it. Never were the warnings of a Laocoon so oracularly just, and never so stupidly reviled, and so perversely disregarded. To such a people, learning and intelligence,—as they misname the factious jargon they delight in,—seems only given to confirm their folly, and fortify their errors. It is *this* which teaches them how to resist conviction, emboldens them to abdicate their moral obligations, and whilst repudiating the duty to co-operate as one, for objects which, as being national, concern them *all*, is used to justify internal discord, for personal and party objects, dishonestly held forth as public interests, and disguised by the false name of rights. It is this, in short, that weaves the complications which, after overpowering judgment, extinguish morals; complications which it is, however, the proper office of a Church to hinder and to cure.

Never before were the characters and cure of national disease so perfectly displayed as by the author, in the efforts of which this forms a part. And though other instances have been, in which a vitiated people have rejected warnings and resisted truth, in no other land than this has it before been seen, that appeals so solemn, and expositions so demonstrative, have been addressed to not alone the masses of the people, but its instructed classes, and especially to ministers of wisdom and religion, with such slow success in finding men,—men who comprehend, or care to do so, their own or their coun-

try's state, or their own duties in regard thereto. Where else has there been seen a case in which the priesthood of a State—a Christian priesthood—has fallen into such complete oblivion of both the human laws which constitute the tenure of its temporal possessions, and of the paramount condition of a priesthood's spiritual existence;—the duty to instruct the nation in the doctrine of life, that is to say, in moral duties; and as part of these, *in the respective obligations which pertain to rulers and to subjects?*

The object of this publication, then, as well as of a great part of its author's other labours, is, to restore a nation's moral health, and so ensure its safety and prosperity; and this he seeks especially to bring about, by the awakening its church;—the source of health or of disease, according to its own condition;—to a knowledge of its own, and of the country's state. Let us now, therefore, proceed to shew, by cited passages, something of the way in which he has here endeavoured to perform this task.

Having first referred to a published letter, in which he had previously demonstrated the character of our atrocious and piratical transactions in Central Asia;—for in no *legal* sense, with reference to laws, divine or human, were these transactions *wars*, or any other things than *piracies*, and *murders*;—he draws the following striking picture of the mental and moral degradation of the country,

as exhibited by its conduct, on the arrival of the news of the catastrophe to which those crimes had led ; *a catastrophe which has shaken the foundations of the empire, without the least effect upon its mind !*

“ While the world, which England has peopled with enemies, rings with the penalty which has fallen upon our ambition ;—while this island and its dependencies are filled with anxious doubts ; while thousands of families are clad in mourning, from the announcement of this, which is but the first of our misfortunes ;—the Senate of Britain sits heedless and unmoved ! Men nightly engaged in strenuous debates upon every the most trivial incident and question of a party character, wholly exclude from their deliberations the disaster which has fallen upon England ; as wholly as they had excluded from their previous care the events which led to it. *Can any dangers menacing from without be so terrible as such a state existing within ?* In this universal doubt ;—in this death-like apathy, not a single man is found even to dissent from that which has been done ; no man proposes investigation of the past ; no man speaks of expiation of crime which the nation has committed. There is no restraining prudence ; no habits of business ; no sense of honesty or of shame ; no traditions of public law ; no instinct of preservation ; and once again the Senate and people plunge madly forward in the fatal course in which they had paused for a moment, but with this difference : that what formerly was suffered in ignorance, *is now re-perpetrated consciously*. We are no longer *instruments*, but *agents* ; and a policy which was on the point of being abandoned, because all men had pronounced it to be *insane*, is persevered in because *it is proved to be disastrous !*”—(page 4, 5.)

Having observed that to have been alone in designating these villainies according to their true character, in shewing their design or secret object, and in predicting the results—in strict accordance with that object—from the date of their inception, conferred on him a claim to be further heard upon these subjects, such as no other subject of the realm possessed, he thus proceeds :—

“ But to whom shall we turn. * * * * *

We have been plunged into crime such as this country never committed before ! such as *no* country ever before has been guilty of ;—not crime because passion impelled ;—not crime even because advantage was to be gained ;—but murder without an impulse ; without a pretext ;—screened by no form ;—cloaked by no fallacy ;—murder committed on a suppliant ! and no man in England mourns for England ! *This*, in the midst of the teachings of RELIGION !—*this*, in the midst of the cry of PHILANTHROPY and of UNIVERSAL PEACE ! *this*, by a CIVILIZING STATE ;—by a people spreading its INFLUENCE over the world, by the *benefits* of COMMERCE, LITERATURE, and RELIGION ! To whom, then, are we,—at once suffering by the fact,—and appalled by the consequences,—to look for useful energy, or at least for sympathy in shame, grief, and indignation, *if not to those who have been separated by their office from the ways and deeds of politicians, and who by their duties are commissioned for the preventing and reprovng transgression ?* And if among these be found one man touched by the prospect of this empire’s fall ;—one man moved by the spectacle of freedom and civilization defiled by England’s deeds, or interested for the Religion of Christ desecrated by his country’s crimes ;—then for us all might

spring anew the sources of hope. That single man, so seeing and so feeling, as a watchman on the tower,—might save the sleeping city.”

After having by various considerations enforced his views of the grandeur of the Church’s vocation to such duties ; and after glancing at the extent of benefits, and the prodigious augmentations of its faculties of moral usefulness which would accrue from their performance, he turns himself to deal with the miserable fallacies which in such an age alone as this could have arisen as objections. In performance of this task he shews that the propositions that churchmen have nothing to do with public transactions, and that bishops are dispensed by their spiritual character, from the obligations attached to their seats in Parliament, “ *are in opposition to the laws of the land, and to the conditions upon which the church possesses either property or power.*” In doing this, he thus happily exposes the fallacy involved in the former current falsehood ; i. e. that “ churchmen have nothing to do with *politics.*”

“ In the word “ *Politics*” there is at once the original idea,—*knowledge of public affairs*—and there is the recent English idea of *factionous contentions*. We thus give to ourselves a common term for right and wrong ;—for duty and for sin ;—and thereby *extinguish the sense of both*. If “ politics” be understood as designating *faction*, no man can be in that sense, a *Politician* and a *Christian* ; but if *politics* be the knowledge of our duties as citizens, *he can be no Christian who is not a Politician*. If the church-

man who says he takes no part in politics, means only that he has ceased to belong to a faction,—to which he can only cease to belong, *by being freed from the errors which cause the division*,—then, indeed, would *this* be a word of hope. But, alas! he *only means to deny his responsibility as a reasoning being.*”—(page 8.)

We pause here to reflect with what effect he might have gone on to shew,—had the limits he prescribed to his letter afforded room for it,—what floods of evil must flow from the acceptance of this fraudulent and juggling proposition; a proposition in limitation of their functions, advanced by those whose charge from the Supreme it is, to teach *all* truth and to enjoin *all* duty. And how usefully he might have shewn, upon the other hand, the fatal consequences to the conscience—that is to say to the morals—of both the clergy and the people, of admitting into their bosoms that *fallacy*, or let us rather say, that dire perversion of the mind which, in order to escape the obligations which the truth imposes, denies that “*politics*,”—that is to say, *the knowledge of our civic duties, and their due performance—is part and parcel of morals and religion.* With what a terrific colouring might not his pencil have filled up the picture it has so powerfully sketched, of a people so misled, so deprived of that monitory ministration of a church remaining in the light, which would have otherwise supplied correction, and restored at once perception and integrity? And how might he have painted the *condition* and *position* of a priesthood, occupied, not in *counteract-*

ing, but in *administering* this poison, which destroys at once Religion and the State? Let the reader reflect for a moment on the spectacle,—and the effect,—of a Christian Church, through all its orders, from its Hierarchy to its village Priest,—whilst seceding from another Church, upon the ground of its too much insisting on the *separation of Religion from the world*,—forgetting the foundation of its own dissent, so far as to *separate Religion from morality*? What might he not have said of such a Church, that, in effect, thus teaches that men may,—so long as they do not so *individually and personally*—be *murderers collectively or nationally*, *without an obligation upon conscience to examine and resist*; *without an obligation on the teachers of God's word, to warn and to reprove; to threaten and denounce his judgments, either to that people or its rulers*? *If the nation have cast off all Law, all Morals, in its public conduct, and become a robber and assassin-state; and if the Church neglect,—still more if it decline—and even refuse to cause, or to attempt to cause such crimes prevention, their cessation, and their expiation, IS NOT THE GUILT OF BLOOD UPON THAT CHURCH'S SOUL? Are they not accountable for even more than blood? IS NOT THE SOUL-MURDER OF A PEOPLE AT THAT CHURCH'S DOOR? Do they believe their Scriptures, and not yet believe that an anger fiercer than the lightning, is kindled against such things above?*

Let us hear, however, with what a Socratic temperance of argument,—in order that no want of

reverent decorum should impede the success of his appeal, in the success of which he evidently indulged hopes—our author reasons to conclusions which *involve* all this, rather than *express* it; and yet how little he shrinks from the use of words of strongest import, in order that he might not be himself a party to this dire perversion of a Church's and a people's rectitude.

“ Our *dangers* are our *crimes*. *Let the crimes be repudiated, and the danger is averted.* To whom does this task belong but to the Church? If the Church raise its voice and hand against guilt and crime, it saves the State; and, not saving the State, *it yields its sanction to guilt and crime*; the Church, from the *protector*, becomes the *destroyer* of the State. Its sanction and authority are employed to *dissolve the bonds of charity and truth by which the State is united*; and, *changed itself in character, it becomes the curse of the land whose blessing it was instituted to be.*”—(page 16.)

And the following striking passage is to the same general effect—

“ The faith of Christ when preached to men was more-over accompanied with a temporal promise and an earthly covenant;—that covenant was good-will between men;—that promise was peace upon earth;—there can be no peace without justice and no justice without judgment;—and what is judgment but knowledge? It is only when the Church teaches to be just, and to know, that that promise can be kept and that covenant fulfilled. Then it is that Justice and Peace have kissed each other. But when the Church has neither taught Justice nor denounced crime, then is the promise of the faith broken. When a State has rushed into war without cause, if it contain

citizens or christians, they will resist and denounce the crime. If there has been no resistance and no denunciation, then has there ceased to be within it either a citizen or a christian ;—and the Church that has not taught its flock to be citizens, has not taught its flock to be believers. Judging of the tree, as we are told to judge,—by the fruit, we must hold such a Church not to be the Church of Christ, nor such a flock worthy of His name.

“ The Church holds property on the condition of performing their part in the government of the land.

“ The Church is composed of citizens whose duty it is to understand public affairs.

“ The Church is composed of Christians who have to labour to preserve peace upon earth by preventing wrong.

“ The Church is a teacher of morals, instructing men in what is just, and thereby fitting them to be citizens.

“ The Church preaches the Christian faith, instructing men to be just, without which they cannot be Christians.

“ The Dignitaries of the Church have a seat in Parliament as temporal Barons, and are bound to discharge their duties as such.

“ Members of the Church make oath, as members of the Privy Council, to advise the Monarch regarding the conduct of those affairs specially intrusted to his care, becoming responsible in their persons, and on their heads, for the just conduct of those affairs which, by the prerogative of the Crown, have been withdrawn from the previous knowledge of the Common Council of the realm.*

“ If any of these propositions be correct, (and it appears

* The Cabinet Council is unknown to the British law. The Monarch can only act on and with the advice of the Privy Council appointed to supply the absence of authority in the Crown while Parliament does not sit.

to me that every one of them is indisputable,) he who says that Churchmen have nothing to do with politics, has perverted, to the injury of his reason, the faculties that his Maker has bestowed upon him, and labours, as far as in him lies, to confirm other men in sin, to lead the Church into transgression, and the State to ruin.

“ I conceive, my Lord, that I have proved the proposition which it has been my endeavour to establish; and if so, I cannot doubt that every Churchman to whom that proof is presented will be a changed man in regard to all the things, flowing as consequences from the correction of that error; that is to say, as a matter of conscience, he will apply himself to understand the interests of his country;—as a matter of commission and charge he will charge upon that nation in its corporate character, and on each individual, crimes that its cruel hands have so lately perpetrated, and are now preparing to repeat;—he will make this charge in the Councils of his Sovereign, in the Senate of the land, in the streets, in the lanes;—it will be heard from the Episcopal Throne as from the Pulpit of the Parish Church. From this duty there is no escape, if Churchmen are really citizens. For this empire there is no safety but in the resumption, by some portion of its people, of the character, both of Christian and of citizen;—and who are to resume this character, or to perform this duty, if not those who are commissioned to instruct other men? If there was any other class of men that could save the State, your long indifference would have made them appear. It is clear, then, there are none;—you are the last and the only refuge, and in your decision lies the fate of this empire, and the saving of your own souls. If you have been heedless while we lived in apparent repose, you cannot be so when these gigantic crimes are perpetrated. If these crimes have not urged you to thought or to condemnation, disaster surely and retribution will

rouse you from your slumbers. Now to events and retribution is added a human voice calling upon you to awaken and to save. See, then, with what fearful rapidity warnings are gathering around you.—May God grant you, for you and for us, that they be not destined to testify against you when the hour of reckoning shall have come.”—(pages 20, 21, and 22.)

The author in another place takes the like rapid and important view of the benefits and blessings derived to this nation and to Christendom, in former times, from the discharge of the Church's duty in these respects ; before this fatal notion on the subject had shed its venom in her bosom. And here again we have to regret that a topic such as this, a subject the grandest, the profoundest, and the most important that can occupy the thoughts of Statesman, a Philosopher, and a Christian ; of a founder or restorer of a State ;—should have had to be treated of by one so able to exhaust the treasures of that mine in the brief way which his space allowed. But here, too, as in all the other parts of this small, but much-containing tract, we find enough of thought, compressed with Aristotelian brevity, into pages, to have furnished the materials for volumes. The following, however, is what he has here thought proper to say, on the application, by the Church which nursed this nation's infancy, to the formation of its character, its morals and its laws—of which the laws of nations formed a part—of those eternal principles, essentially religious, by which States are founded, and according to the

continued application of which they afterwards subsist or perish. *Those principles are no other than the duties of the citizen ; digested into laws, and acting through the conscience, they form the bonds by which the communities or nations are internally united and externally protected ; their source is from the word of God ; and their teachers are his ministers, appointed to expound it to the nation.* Then, therefore, for the first time will the History of Europe have been written, when the rise and the decline of that brotherhood of States shall have been recorded in connection with the vigour and success, or the weakness and the failure of this ministry, in stamping the impression of those principles on each, as the causes of its waxing or its waning happiness, prosperity, and strength.

“ In times less great than these, the Church held these duties (now termed political, *as opposed to spiritual*) to be a trust and obligation weighing upon itself more expressly and more solemnly than upon the other members of the State. It coveted the administration of justice—it applied itself to legislation as an institute of education and morals,—it interwove the mercy and the justice of religious truth in the letter of the laws of Christian States ; and causing common obligations to be respected by each of the separate States of Christendom, it thus became the source of International Law. It took from war many of its worst characters—limited its frequency—and regulated the conditions, and established the forms by which it should be made. Thus was the influence of the Church maintained by its wisdom and its uses ; and in spite of the growing corruption in that Church’s faith and practice, men con-

tinued to revere an institution which, in a temporal and moral sense, continued to fulfil a portion of those duties which conferred on it the title of MOTHER."

Mr. Urquhart does not stand alone as a Protestant, in doing justice to the conduct of the Catholic Church in discharge of these great duties; and it sometimes happens, that truths which, in corrupted times, are lost in the jargon of its factious disputations, like fertilising streams, which may sometimes become absorbed by the earth, are struck out of the rock again, and set a flowing by the hoof of Pegasus. Of this sort is the confession which is made by a living Poet:

"That many hooded Cœnobites there were
Who, in their cloister'd cells, had yet a care
For public safety ;—unambitious men ;—
Counsellors for the world, of piercing ken,
Whose fervent adjurations from afar
 MOV'D PRINCES TO THEIR DUTY ; PEACE OR WAR."

Yes, it is most true,—and to a degree beyond what Mr. Wordsworth here confesses,—that, in the great days of that once great Church, her recluses were not chargeable with that which is alleged against them, as an argument against monastic institutes in general,—namely, that their seclusion was not merely a renunciation of the pleasures of the world, but was, in fact, and of necessity, a flight from the performance of its duties. And it is true, upon the other hand, that the Churches which have succeeded her, whilst retaining those enjoy-

ments upon that pretence, have yet not been ashamed to renounce those duties, and so to put religion on a footing,—at once untenable in reason, and injurious in practice,—as if consisting only in creeds, and doctrinals, and rituals. Strange change, indeed ! but not so strange as to behold that elder Church itself, so far bewildered by that accusation, or so perverted by the contagion of *our* examples, as in a great degree to have declined into the same condition of neglecting or repudiating its primary necessity of teaching men the duties of their civic character, and into the same oblivion of the true sense of a Church's power, and of the means and measure of its utility ! Strange sight ! to see two Churches, whilst so much in warfare with each other on matters of comparatively inferior moment, each engaged in a process of depraved assimilation ; the elder Church taking from the younger only what is bad in it, *per se* ;—its abandonment of care for *Law and Rights* ; and the younger taking from the elder its notion of *the separation of the teachers of religion from the world, only in order to abuse it into a release from the necessity of teaching the performance of the duties which men's relations in the world prescribe* ! Strange spectacle, we say, to see these rival Churches engaged, in this, their *night*, in unravelling that web of morals which they had wove whilst it was day !

Had Wordsworth, after gaining this glimpse of the character of that earlier Church, been but

enabled to discern *the character of men in his own time*; to comprehend the condition to which this age and his own Church have sunk, and to trace this ruin of the mind and morals of the State, to that change in their conception of their duties—as cause and as effect alternately—into which both Churches have so miserably been led, it might have opened out to him a way through which to realize that dream of fame, of which the realization is for them alone who are more deeply in the truth. To wander through the labyrinthine maze of darkness which surrounds us, requires more light than that which falls through chinks. Hence is it that he could see his country's danger from Napoleon and France, because it was direct, material, and tangible; but cannot see the much less palpable indeed, but yet far deeper perils which threaten her from Russia! And hence was it that he wrote heart-stirring pamphlets with regard to *Spain*, but none regarding *Poland, Turkey, and Circassia*! And, hence it is, that though he can see the effects of the fidelity of the Church of Rome, through a long period, to the duties of her office, in moralizing laws, and politics, and governments, and educating kings and citizens, he cannot see either, *à priori*, the demoralization of this realm through non-performance of those duties by the Church of England, or, *à posteriori*, recognize the effects themselves, as shewn in public crimes at which the sun might sicken, and in words of folly which make the Temple and the Senate House the counterparts of Babel

or of Bedlam. It is then that, like others, he cannot see how certainly the weeds of faction germinate and yield their harvest of convulsions, beginning in disputations about pretended and imaginary rights, in a soil in which religion has ceased to sow the seeds of civic obligation, and of social concord; nor how conscience and morality themselves expire beneath these influences. It is thus that he—and we cite him as a type of the men of mind of such an age—can neither see nor comprehend the mental blindness which invades the people of a state, *according as the knowledge and the sense of public duties perishes among its citizens.*

Is it too late for him to still redeem the time, and contribute to restore the intellect and morals of his country? If an appeal have this effect upon him, or others, a blessing will have been won by it for them and for their country. At any rate, our country has to be saved from the destructive guidance of ignorant, dishonest men, whether they present themselves as great soldiers, or as dexterous debaters; as great polemical divines, or philosophical economists, and institutional reformers. The world itself has to be saved from this perdition; and they in whose soul still lingers one gleam of unperverted intellect of conscience, will shortly feel their calling, and recognize their banner.

No, Wordsworth; it is not enough for you to sing, "Milton! thou should'st be living at this hour; the times have need of thee," &c. Thou livest thyself; thou, William Wordsworth!

and if thou wilt perform thy duty, it is allowed thee yet to perform as much as Milton did, and more, far more !

No, Carlyle ; it is not men to act the part of heroes, nor sentimental hero-worship, or hero-worshippers we need. *We want but MEN* ; and truly, in an age like this, a man might well appear a hero, and by the value of his service and example, to future times become such. There is work of observation and reflection for the head ; work of action and of labour for the hands before ; and if thou wilt cast away vague theories and dreamy generalities, there should be that about thee which designates thee a part in its performance.

But to return from these—the shadows of the time—to the author of the work before us. We find him, after shewing briefly what effects Religion had produced, in days when it applied its labours to fix its holy effigy on polity and laws, and image its reflection in a nation's life, exhibiting with the same subdued tone of respectful but yet solemn indication, the results of the relinquishment of these endeavours in our days.

“The evidence of the Church's usefulness is to be found in the life and character of its flock.—Does that flock do justice and love mercy ? Is it moved with brotherly affection ? Is it one that executes justice, shielding the weak, resisting the oppressor ? Is it one that detests violence and rapine, and turns away from blood ? No ! this people *is a house divided against itself* ; but it rises as one man *to do wrong against the Stranger*.—Its hand is

swift to shed blood, and it exults in its transgression, and no words of rebuke have been heard against the iniquities of earthly rulers from the Ministers of the God of Justice. They were silent in the face of the crimes of power. They bore no message to their Sovereign from the King of kings, and they denounced no judgment and no retribution on a generation of evil doers. They had not taught justice; they could not denounce transgression." —(p. 19.)

There shortly after follows a remarkable passage, in which the author has observed that, as regards the Church of England, this dereliction of its duty and surrender of its functions, was less from its own choice and judgment, than on compulsion by the Puritans. It is an early instance of the sacrifice of principle to difficulty, which we misname the *policy* of expediency; such as occurs invariably in *times when faction has extinguished rectitude*; of which the authors know not, and in general care not, where it is at last to end; but of which all history and reason testifies, *that its origin is corruption, and its end is ruin*. And this it would not be easy to exemplify so well, as by the history of the results in this very instance. The notion was to satisfy an enemy, by abstaining from the exercise of functions which were disliked alone because while they asserted *power*, they tended by their *usefulness* to strengthen *influence*. And now, when by this dereliction, the descendants of those Churchmen have found their *influence vanished*, as the consequence of their *decayed utility*, the descendants of those Puritans assail them from that vantage ground, and call for

the legal abolition of their remaining *power*, on the clear ground that it is *oppressive*, as all power must be, that is *no longer useful*! Now “cut it down! why cumbereth it the ground?”

“It has been the character of all the Churches that separated themselves from the stock of Rome to fix attention too exclusively upon mere points of dogma, and consequently, to induce neglect or disregard of the general character of the acts of the people and its Government; and in this manner they have ceased to act in directing, controlling, or restraining the march of public events, through which, more especially, the character and mind of nations are formed.

The Church of Rome, upon the other hand, retains *this* vast advantage in utility and influence over the whole of the Reformed Churches, that it never did divide or yield its jurisdiction over every part of morals and of human conduct;—made no surrender of its rights of counsel and reproof; and neither gave nor suffered to be torn away the power and obligation to give or to withhold the sanction of religion to the deeds of a nation, as well as to the private acts of men. The authority it derived from curbing the passions of sovereigns and of nations, it turned to establish a despotism of its own; and when men broke away from this Church, they confounded the source with the abuse of its power. Before the Reformation the Church of Rome had endeavoured to separate the English Church from the State, dreading its independence and resistance to the Papal See.—The Puritans seeing at that time in the connection of Church and State, no control of worldliness by the dictates and teachings of religion, but the misuse of religion to serve the purposes of worldly ambition, denounced that connection, and asserted the dogma that the Church had nothing to do with politics.

In those times, the Church of England, breathing a different spirit, repudiated the social aberrations of Puritanism, after they had triumphed over the spiritual despotism of Rome. Of the Churches severed from this original stock, the Church of England alone imposed upon itself the duty and preserved the functions connected with a Teacher and a Censor of the morals of the State. The Church of England is the only Reformed Church which is a constituent part of the Government?* but soon following in that downward course of the nation, which they had for a while retarded and resisted, they, too, came to share in the corruption against which they had struggled, and sunk beneath the sway of forms, narrowing to dogmas the field of their thought and care, and finally abandoned the high function of teaching nations how to live. From the performance of this function, the Church of England could be dispensed by no authority, by no law, by no encroachment of any other portion of the State;—from this station it has not been forced, but has itself voluntarily or unconsciously withdrawn. How wonderful that it should not be seen that such an extensive dereliction of its religious and official duty is an entire abandonment of its hold upon existence as a *Church of England!* and what energy, what influence can afterwards remain in its other ministrations, with such a weight upon its conscience and its character, of unprevented evil, and unreprieved transgression? With what impaired authority and confidence must not its Ministers proceed to speak of morality in private life, who, placed in Senates and Basilicas for the highest purposes and examples, have so far yielded to the worldliness of a mean age, as on occasions of great public

* The Evangelical Church of Prussia is a mere instrument of despotism in the Government's hands within, and of deception without.

crimes, not only to decline their denunciation, but even to consider themselves precluded from the right of judgment?

The Church cannot abandon its duty to the State without becoming obnoxious to the most bitter reproach from those who dissent.—Prelates do indeed sit in the House of Lords for the public good ;—but if they themselves say that they are restrained from taking part in acts, and performing duties which should be the concerns of all,—then must they appear to sit there as representing the separate interests of a mere corporation, called indeed a Church—interests of a religious kind, and consequently, in preference over, and to the disadvantage and exclusion of the other religious bodies into which the State is divided. Yet this political abstinence is put forward by the Church with the view of softening asperities, whilst it is obvious that it can only have the effect of aggravating and of justifying discontent.”

This subject is naturally connected with, and suggests another ; viz. the character of that School of Divinity,—if it is not a prostitution of that name so to apply it,—which has lately shewn itself at Oxford ; a section of the Church of England which gravitates to Rome ; attracted less, as it should seem, by her *old* greatness than by her *modern* dissolution.

It is not, it should seem, the character by which the Church of Rome once moralized the world, retaining in its silent cloisters and sequestered cells the care for the promotion amongst men of all the virtues of the citizen ; but it is the life of the cell and cloister for their austerities and forms alone ; and what they seek is but a stage on which new saintship may display,—a *Piety which is not Chris-*

tianity. This sect, in short, is but another scum, thrown up by the putrefactive fermentation of the nation's mind.

“ At the dark close of the Eastern Empire, when the dereliction of its duty by a Church, once that of Christ, had plunged the people into wickedness, and brought the State into danger, the measure of wickedness and danger was filled up by the ascetic ambition of that Church to direct the affairs of the State which it had ruined. And this is a symptom of decay which has presented itself in every declining State and in every perishing Faith ;—a symptom which these latter years have developed in our own land. Sons of the Church, pre-eminent for talent and for learning, have arisen as a new sect, claiming for the Church authority over the State, while repudiating that duty of censorship over the acts of the State which the Church of Rome exercised,—which the Church of England preserved. In matters of dogma going beyond what the Church deems necessary for salvation ;—in matters of form restoring those bonds of papal practice from which it has been emancipated. This new sect then, presents the ascetism of Puritanism without its freedom, and the despotism of Rome, without its intelligence. While the increasing aberrations of the times call for higher qualities and nobler characters in the Church, whose duty it is to control them,—the Church evinces in the changes it is undergoing characters no less alarming than are the deeds which have stamped upon the Government the character of crime, —upon the people that of infatuation. When these new leaders have been appealed to, to examine and to denounce these crimes, they have replied, ‘ If crimes are committed and if danger threatens, it is but just retribution for the wickedness of the times ; but with these things Religion has nothing to do.’ Hitherto the servants of the Altar had suffered us to err, but they now teach

error. Nay, they now teach men that to be religious, they must cease to be dutiful. Those whom they have *neglected to make* citizens, they now *teach to cease* to be citizens, in order that they may *become* Christians!"—(page 25.)

We would gladly have transcribed some passages in which Mr. Urquhart establishes that the Church of England, as an estate of the realm, holds its powers and honours by an essentially civic tenure, and under a *legal obligation to interfere in politics, for the especial purpose of securing the observation of Law and Justice in national affairs, both as between the people and their rulers, and between the realm and other states; and thereby at once preserving the security of nations and the morality of men.* But the chain of historical deduction is too long to be now transcribed, and too much connected to be well divided. The following is the concluding paragraph of this important letter.

"The external relations of the empire are matters now, from the examination of which no conscientious citizen can escape. Security has vanished: blood is shed and shedding; the hired assassins we have sent forth, have perished by assassin hands. A gulph is before our steps; it is a question between right and wrong; between crime and justice; between life and death.

Is the Church to stand by at the altar, at once spectator and sacrifice? Has it no eye to penetrate the mystery of events, and to dispel the gloom of the coming night? Has it no tongue to utter truths which might breathe life again into a perishing empire? Has it no dignitary whose powers and patriotism may struggle, while it is yet day, and if he fail and we perish, leave still upon the name of England one ray, amid the darkness of her decline,—one son who had performed his duty?"

“One son who had performed his duty!” No! NOT ONE! we have to *make* them; for we do not *find* them: and out of bad materials too. As far as the Church is concerned, and as has hitherto appeared, appeals like these have been about as useful as medicines poured into a subject in the corpse-like inanition of the plague in its last stages. They talk of prophecies of the “Vastation,” or “spiritual desolation” of the Church in its last days; *yet cannot see its signs in things like these!*

But these burning words of sorrow, of reproach and indignation, which have fallen so dead upon the ears of the Church of England; have they elicited a different feeling from that older Church, whose fidelity to her high vocation to moralize communities in her better days, Mr. Urquhart has so justly pointed out? It has done so; *such* notice as remarkably confirms his views, both of her pristine strength and of her modern weakness, as regards the knowledge and observance of her obligations in that regard. What she *has* done is *a crown of splendour*; and would have been, if persevered in, *a spell of immortality and power*. But she has sunk with, or been sunk by, the spirit of the times; and whilst she has escaped the formal reception of that heretical perversion—so deadly to the very life of Christianity—which places the essence of religion in questionable dogmas of doctrinal theology, she has unconsciously been acted on by its tainted atmosphere, and seen, not knowing wherefore, the glory vanish from her brow; as the brightness faded

from the Prophet's face,—when he *descended from the Mount*.

To evince at once these facts, of the retention by this Church in part, of the knowledge of this first of obligations, and the declension of its character from its first condition in regard thereto, we are desirous to direct attention to a recent number (for July last) of one of its periodicals, called the *Catholic Magazine*. In that publication there is a notice of this letter, and of some other publications bearing on the circumstances which caused it to be written. It acknowledges and lauds to the skies Mr. Urquhart's appreciation of the true office and functions of a Christian Church, and his admission of the extent to which the Catholic Church for a long time worthily performed them; but we regret to observe that it does so in a spirit which is marked too much by faction; a spirit which may, alas! be found to build her unclean nest *in sacred precincts*, and amongst the divisions of *sects*, as well as those which we designate *party*. It does, however, admit that the practice of that Church, therein, “had, “from the Reformation downwards, *gradually subsided into an inert and death-like repose* ;” and that the doctrine which Mr. Urquhart is seeking to revive among Protestants “*is a doctrine that has been almost forgotten amongst the Catholics themselves*.” Yet, presently forgetting the melancholy community of degeneracy which it had just before acknowledged as infecting both those sections of the Christian Church, it cites *exultingly* instead of

mournfully the passages in which our author has especially evinced the present apostacy of the Reformed Churches, and sings a song of frantic triumph over the corruption of religion and the backsliding of a church, as if that feeling, and that application of it, were not, in themselves of all things the most factious and most irreligious, and additionally unbecoming from the member of another church, who is so little able to affirm the undegenerate condition of his own. But on he goes, recalling as to what he deems the true fold of the Church, with a shout of jubilation, which after these facts, and his admission of them, it is very difficult to see good grounds for.

“ If she,” says he, meaning England, “ would purchase Rome’s protection, she must begin by recognizing in Rome the right to protect. Let her unthread the rude eye of her long rebellion, if she would *entitle herself to the renewal* of that maternal care with which the Holy See once blessed her infancy.” “ And, when that is done;—when that wholesome, though tardy, atonement is made for wrongs, of which the whole nation alike is now culpable before God and man,—*the darkness which besets her destinies will have passed away for ever*. Whatever the perils that await her, the restored Church of England, unlike the poor usurper of her greatness, that dares to usurp her once glorious name, will not ‘ stand by at the altar, at once spectator and sacrifice; without an eye to penetrate the mystery of events, and to dispel the gloom of coming night.’ *As she was in the beginning and will be evermore, such is the Church Catholic to-day*. When England has the ears to hear, she

has “ *the tongue to utter truths which ‘shall breathe life again into this perishing empire.’* ”

Astonishing inconsistency of statement and conclusion! The Church of Rome is to do these things, by acting on a doctrine which, as he admits, “ *has almost been forgotten in practice by herself,* ” and she who so forgets a doctrine so belonging to the essence of religion and of morals, is the church so stainless and immutable! But how are we to know that she *will* do them, unless we see she does them? Why should we wish “ *to entitle ourselves to the renewal of that maternal care,* ” unless we have reason to conclude that *the title to it will carry its attainment?* And how can we so conclude that this church, described as so unchangeable, *from the beginning and evermore*—will not remain unchangeable in her present admitted neglect of these few duties, unless we see her *hasten to revert to rectitude by recommencing their effectual discharge?* Let her give us this pledge, in her own practice, of her own integrity and unity, instead of boasting of them in the same breath in which she admits her want of them; and when she shall have done so, she may be assured of receiving, although less loud in claiming it, a manifold and merited reward. For then will her example contribute to reform, and to remoralise the churches and the nations which reject her creed, as well as those which hold it; or if the reformation should not reach beyond the pale of her own faith, she might indeed *then look with reason to the recovery of her influence and power.* For whatsoever be the

preference which men may be disposed to give to other churches, in regard to doctrinals or rituals, they will not worship a shadow, where they see a substance, or fail to venerate a Church which extends to men and states such boundless benefits as these.

But, alas! what is the conduct of this Church of Rome at the very moment that this writer in that Magazine was putting forth those claims for her? Do we not see her—aye, even her very hierarchy in our own realm, in Ireland—*not merely not performing, and not teaching, the duties of the citizen, but actually outraging them*, in vital instances, in their very character of Bishops? Or, if we turn from its character in Britain to its condition in the rest of Christendom, let this Magazine inform us what response has hitherto been heard from this same Church to the allocution of their Sovereign Pontiff on the subject of the shocking and atrocious outrages and injuries which their Church endures in Poland; an allocution which, in the days of which they are so reasonably proud, would have precipitated Europe upon Russia in the day it boasts of, and crushed her scheme of universal empire in an hour! It is not necessary that this Church be told, that it has fallen into a state no better than that of the Church which it thus taunts and scorns, and that *both* must waken from their fatal slumbers, unless they would become just objects for the contempt of man, and signal vengeance from on high.

The one thing needful is, *the restoration of intelligence, and thence of conscience, to both Churches and*

their several members ; to breathe the spirit which constitutes the citizen—extinguishing the fire of faction—into the breast of each.

When Apollo had constructed his Bœotian city, he laid his *golden lyre* upon the last block he had placed upon the walls, and long its melody remained inherent in the stone. That is to say, when wisdom had raised up a Polity, and *animated its dead frame or institutes, with that spirit of intelligence which prescribes men's civic duties, those institutes required no change ; but long retained that vitalising spirit, which nothing less than heavenly inspiration was able to infuse.*

Yes, it was the infusion of this spirit that was the triumph of creative power ; and that triumph must be repeated in our country, or itself must perish. The task of saving it consists in this ; to bring a few men only—for a *few* will be sufficient, to comprehend the fact that the security of nations, that the stability of Governments, that the morality of men, and the prosperity and happiness of human life, *depend entirely upon justice ;—on justice, as embodied in internal laws, and in the laws which regulate the relations of distinct communities ; on justice, as existing in the knowledge of his duties as a citizen, by every member of the State ; on justice, as enforced by sanctions of judicial tribunals, provided for by legislation, and preached by the Church's ministers ; on justice, the condition of Salvation, temporal and eternal ; the very substance of Religion, and consecrated by the Word of the Most High.*

C.

ON THE RELATIONS OF THE EASTERN AND WESTERN CHURCHES, AND OF THE COURTS OF ST. PETERSBURG AND THE VATICAN.

THE State Paper published in this Number of the Portfolio is not a note addressed by the Court of Rome to that of St. Petersburg, but it is an Exposition addressed by the Pope to the world. While it is a last appeal to the justice of the Emperor it is a first call upon the faith of the Catholics, and it is a protestation made in the face of Heaven and before the eyes of men. It is a declaration on the part of the head of the Church of Rome, of the wrongs of his flock, of the faithlessness of its oppressors, of his efforts, and also of his failures. It is a washing of his hands from the further guilt of connivance and of silence.

This declaration of the Pope is not important as the mere decision of a government. Its importance lies in its being an active cause of change in the thoughts and judgment, not only of the people composing the government from which it emanates, but also of the very subjects of the State against which it is directed, and of all the other governments and people of Europe. It has therefore a character far higher than that which attaches, or can attach, to ordinary diplomatic documents, however great the subject, however powerful the state. In perusing it can one fail to be struck with the difference be-

tween this document, even in terms and style, and the cold and measured forms of worldly politicians. Here burst forth the feelings of the soul, poignant suffering and vehement reproach. A sight more touching there cannot be than that of the humiliation of the Sovereign Pontiff before the Autocrat; he prostrates himself in the dust, willing to endure—if submission might mitigate wrong. Yet, from his abjectness of state and humiliation there is evinced a fixed resolution to dare, as well as suffer,—if the assertion of rights, the determination of resistance, the appeal to magnanimity, and the call for mercy should fail to have effect.

A document of such a character, and proceeding from such a source, must be of the highest value, and it is a great event in the affairs of the world. It is an earnest and a stirring appeal to the followers of the Roman Catholic Faith, “whatever spot of earth they inhabit, and to whom may reach the cry of his grief,” to arouse themselves against the enemy of the Church. This is established as a duty by the reasons assigned; it is so by the authority that commands. It becomes henceforward a matter of commission and charge to every Catholic throughout Europe to search the ways, to counteract the steps, to denounce the aims of one particular State in Europe. If that State be not criminal, if this denunciation be not justified then is the Court of Rome engaged in a schem of bold, unprincipled, and most alarming ambition. But if the Court of Rome is justified in this course, then is this a cause equally lofty, and

holy. While the Roman Catholic is, by the decision of his religious Chief, rendered at once a party—the professors of all other creeds are constrained by the singularity and the impressiveness of such a contest between the Heads of the Eastern and Western Churches, to examine into the cause that is pending, to determine which of the two is the aggressive and the dangerous power, and having decided, to take part with that one which has justice on his side.

There being no territorial question in dispute, no conflict of commercial interest, no political projects clashing with each other, between the Pope and the Czar, the Englishman and the Protestant will have difficulty in comprehending in what there can be a contest, what designs the Czar can be prosecuting against the Pope, what means of resistance the latter can possess against the Czar. He may suppose, on either side, attempts at religious proselytism, breeding ill-will and violence of reciprocal denunciation to their respective flocks; but he will not see how this interests *nations* as such, how it can be brought within the pale of diplomacy, or can bear upon or be influenced by existing rights. Let us suppose an analogous case as between ourselves and the Pope.

There are Roman Catholic subjects of the British crown in Canada and in Ireland. The British Parliament has the faculty of imposing what laws it chooses on the Catholics of Ireland,—it has not that faculty with respect to the Catholics of Canada. Ireland is a portion of the British dominion, integral, not annexed under compact, and no one has the authority to inter-

fere between the constituted governing power of England and her subjects in Ireland. We received Canada by the treaty of Versailles of 1763. By that treaty we bound ourselves to respect the institutions of the Roman Catholic Church and its possessions. These rights are therefore points of sacred and inviolable national faith. The Canadians are our subjects by Compact, we hold Canada only by that Compact. For the British to legislate for Canada in derogation of these rights, would not be to exercise a legitimate authority, but it would be to release the Canadians from their allegiance to the British Crown. France would become the obliged protector of the Canadians — would be justified in proceeding to any measures, — would be required, (if a just State,) to proceed to the extremest measures to enforce from us reparation. If England so interfered in Canada, it would become the part of the Pope, as the protector of the Roman Catholics in that region, as the party benefiting by the treaty, but holding that benefit for the behoof of his flock, to stand forward in their defence, and to use every means first by exposition to England, and then by an appeal to France, and to all other countries. But if England was engaged in an assault upon the Roman Catholic Church, as a church, with a view of effecting proselytism to its own, and if its own church was connected with the political government, and aided in the criminal projects of that government, then would England stand in the most odious light, excite the hatred and abhorrence of all belonging to the Catholic faith, and open to the words of the Pope the

ear of every other nation and of every other faith, by the detestation our character would have instilled, and the apprehension which our projects would have inspired.

Such is the position between the Pope and the Emperor of Russia in regard to his acts directed against his Polish-Roman Catholic subjects, and England stands here exactly in the same position as France in the suppositious case we have put.

The Roman Catholics in the Russian states are of two kinds,—those of the direct communion of Rome, and those of the United Greek Church, that is to say, those of the ancient Eastern Church, who under the Council of Florence united themselves to the See of Rome, retaining their national liturgy and some other habits. But these are essentially spiritual adherents of the Church of Rome.

The Roman Catholic communions, under the Russian sceptre, stand, in respect to public treaties, in three different categories. Those that belong to the kingdom of Poland, as constituted by the treaty of Vienna—those that belong to the provinces of Poland, detached at the three dismemberments, and surrendered under treaty with the Polish republic—and those inhabiting the portions of Russia Proper, natural subjects of the Russian crown, and not protected by any treaty. The three classes are guaranteed equally in the possession of their religious freedom, their episcopal authority, their monastic discipline, their parochial ministry, and their ecclesiastical jurisdiction, by promises and pledges made by the Czar, at

different periods, to the Pope, putting the Roman Catholics in the provinces of Russia Proper upon the same footing as the Roman Catholics of the Russo-Polish provinces, and the kingdom of Poland, as guaranteed by treaty.

We may here remark that the partition of Poland followed upon an intervention of England in its affairs. England's pretence was the maintenance of the rights of the Protestants. This interference (at the suggestion of Russia) was protested against by the very party in Poland in whose behoof we interfered! That interference, in which we were supported by the Protestant States, was the death-blow to Poland's independence. We then suffered the consequent dismemberments, and took no part to repair the wreck and ruin we had brought.

In 1815 we did stipulate with Russia the very rights which now give to the Pope the ground upon which he stands. These treaties, not signed by the Pope, or under his guarantee, are signed and guaranteed by England. England is thus doubly bound in this question — first, by her religious interference against Poland in 1768; and secondly, by her stipulation and guarantee of the religion of Poland, (a part of its constitution) against Russia in 1815. We are the party directly injured in the violations, by Russia, of the rights of the Roman Catholics here asserted, and the Pope ought in the first instance to have appealed to England, to France, to Austria, and to Prussia, the co-guaranteeing powers, requiring from them the maintenance of that public law on which depends

the legitimate possession of every province of Europe, which they have bound themselves to maintain, and by which they exist.

This defence of endangered right and injured nations, when the common foe is succoured and assisted by those very Governments that ought to resist him, is too large an office, it may be said, and too great an enterprise, for the decrepid and monkish power of the Vatican. It is not the visible strength of that Cabinet that will qualify it to undertake this enterprise, or enable it to succeed ; but the strength which it derives *from the injustice of its antagonist* ; its strength will grow out of the very struggle. It requires not an empire's power to resist Russia—out of resistance to her may an empire be born.

Napoleon, in sending an ambassador to that Court of Rome, (that he had expected with such facility to humiliate and degrade) said, "Treat the Pope as a first-rate power,—treat him as if he had a hundred thousand men at his back." The words of Napoleon now receive their interpretation, and present facts testify here again to the completeness of his prevision of the circumstances which in fifty years should render Europe Russian. He foretold that the great Austrian Empire would be broken—that Prussia would be distracted in German policy—England and France outwitted, and set at variance. He spoke with respect, and anticipated resistance, but from two powers, that all other men despised—the Sultan and the Pope.

Dangers that menace all, and against which there is

no man in Europe that braces his limbs or bears his arms—the Pope does assume the office of resisting, and performs the duty of denouncing. This is a truly great position, which more than justifies the words of Napoleon! The Pontiff, with a solitary regiment of guards, dares to do what England, France, Austria, and Prussia, with a million and a quarter bayonets at their disposal, dare not dream of,—*tax the Emperor of Russia with a lie.*

This grandeur in the position of the Pope is in his character, and not in his circumstances. It is the dilapidation of his power, and the misery of his state, that renders his act great and magnanimous. The Protestant need not be anxious or alarmed—he has nothing to fear from the Pope—*save the contrast.*

On the first appearance of the *Portfolio* in 1835, it had to proclaim the birth of a new people—the Circassians. The question “Who are the Circassians?” it then answered by these words: “They are the only people from the Atlantic to the Indus, from Nova Zembla to Tangier, who dares to resent or resist an insult or an injury of the Emperor.” On its re-appearance in 1843, it has had to announce the occurrence of a similar phenomenon in Europe, in the people of Serbia. The Sultan, too, by their aid, and through their integrity, has been enabled to take his stand once again against his ancient foe, and the Mussulman has sickened of the drug of European Diplomacy; and now the Pontiff of Rome re-opens the arena of public affairs, and appears within the bar-

riers, displaying a banner, inscribed with words, once those of England—**GOD AND MY RIGHT**. How changed from that Pontiff, whose worldly ambition it was to trample upon crowns and sceptres, by domineering over consciences, and who threatened the establishment of an universal, spiritual, and temporal despotism, through the very power which it had achieved by its early wisdom, virtues, and utility.

The Bishops of Rome in their early days supplicated to the strong—interceded for the weak; and they denounced where they could not prevent. Through their thousands of priests and monks they laboured in the remote barony,—through their prelates and nuncios in princely halls—to impress respect for law—charity to men. They taught the young, counselled the powerful, protected the weak; and thus, by patient, resigned, and zealous devotion to the task of teaching, they themselves became leaders, chiefs, and princes. This power was gained by their setting their faces against oppression, and as this was separately done in each State of Christendom, the Church simultaneously rose to the control of international relations. Thus did Religion put a check upon the passions of nation as against nation, and on the power of prince as against prince, by holding each man's conscience responsible for the justice of the war, in which he took part. And as it is through foreign injustice that internal liberties are extinguished, the power of the Pope in regulating international

affairs, through the conscience of the subjects of each king, indirectly served to preserve the liberties, or to promote the emancipation of the different populations of Christian States, from the iron feudalism of the first northern occupants of the soil. Such were the great and unspeakable services which the Pope has rendered to Europe in former times. The power which thence accrued to him brought a change of character. He now threatened princes and communities. But the change of character soon brought a change of circumstances, and from the Seventh Gregory to the Seventh Pius, the revolution was complete—the one supreme judge of Monarchs, the executor of his own judgments upon them, the dispenser of Crowns—the other a captive Pontiff in a captured Vatican. This change of circumstances has again brought change of character. The ambition and the pride of the wearers of the triple crown has been broken, and somewhat of the spirit, with the humility, has been restored to the successors of those, who designated themselves “servants of the servants of God.”

Thus restored to the condition in which a spiritual power may be rendered beneficial to men, the Pope finds Europe exposed, not severally to the feudal oppression of kings and barons, but to a danger which menaces it altogether, — governors and governed, high and low, and every nation as every class—which menaces it by unseen ways, and injures it by inscrutable means,—which arrays its own strength, and prepares its own weapons for its destruction. The Pope is not

left neutral; it is not in his option to abstain from taking part in this contest. He is menaced,—he is assailed; his flock is religiously assaulted,—his spiritual authority, secured by treaties, is set at nought. He is himself required to cooperate in destroying his own authority, and in breaking the bonds of the allegiance of his spiritual subjects. He is, therefore, the first to feel the progress of the danger, and to be broken by its advance. He is sooner than any other State placed in the alternative unveiled before him, of destruction or resistance. Resisting, he withdraws from Russia the power which his submission would give to her. He warns Europe. He must go on to call forth all the mental means possessed by his See; and they are tremendous when so employed, to resist the common enemy, by awakening all other States to a sense of their danger, and by recalling, in the breasts of men, a sense of justice, without which that danger cannot be averted. But all other Powers having abandoned this defence, he stands forth the Defender of Europe; and this is a mightier task than that of his predecessors,—than that by the accomplishment of which his predecessors raised the Popedom to the highest level of earthly dignitaries, and to spiritual preponderance over the Western world.

However, the present position, as presented to the eyes of the world, is, as if the Pope were in a more desperate state than the rest of Europe; and while the Queen of England and the King of the French announce periodically the amicable relations

they entertain with all other Powers, the Pope alone, in the bare nakedness of unhappy circumstances, declares himself, his sufferings, injuries, dangers, and reproaches, and,—bowing down in humility before the hand that inflicts the blow,—conceals not the pain it inflicts, and seeks relief only in the avowal. This is the poor old man, who, so broken and humbled, still inspires fear,—fear to the great and powerful realm of England! Those who are the luminaries, the grace, and the dignity of this Empire, dread the designs of the Pope, and make speeches in Parliament, and in market places. Measure now yourselves and Russia, religiously or politically. You fear Popery,—she tramples it under foot. She drives to abject despair that Pope that you fear for his his power, and his intelligence!

A contest between two such personages as the Czar of all the Russias and the Head of the Romish Church, must be deemed one which would excite the liveliest interest of all the spectators around,—that is to say, of the whole European world. But we see nothing of the kind. How can this be? To take interest in a contest, men must know what kind of body belongs to the combatants,—what kind of weapons,—what mode of warfare,—what ends,—what the circumstance of position and encouragement which may affect their moral or physical state. Unless these things are known, the struggle can have no interest; and unless the aim and end of the contest be also known, there can be no part taken therein

by the spectator. But of diplomatic contest what is known by the spectators of Europe? They know nothing of the means, they know nothing of the aim,—they see none of the consequences; they may be amused by some incident irrational or grotesque, but nothing more: and to such a degree of apathy has their people sunk, that it was only by the most determined effort of one or two individuals, that the Allocution of the Pope was last year inserted in the columns of some British newspapers; and the document now published,—so important and authoritative for Roman Catholics,—has hitherto been unknown in this country, notwithstanding that they constitute a large, influential, highly instructed, and professedly religious portion of the community.

One most important fact is brought to light by the exposition of the Vatican.

The Court of Rome and the Court of St. Petersburg stand at variance. The first insisting upon the restoration of the rights of the Catholics of Poland and Russia; the latter insists upon the intervention of the Pope to overthrow the respect of the Catholic subjects of the Emperor for their own religion and their religious chief.

“What interest have we in this question? It is the Greek Church, it is the Emperor, who, as head of the Greek Church, seeks to overthrow the Romish Church. We, as Protestants, ought to rejoice therein?”

The Emperor of Russia attempts acts of injustice against the Catholics. Whoever is a just man will

look to the justice of the case, and not to the religious professions of the parties, and whoever is a religious man, will abhor the system that uses religion as an instrument for crime, either at home or abroad.

The violences of the Russians against the Pope are violences equally committed against England, because the Pope takes his stand upon the treaties, to which our national faith and honour are pledged in the most solemn manner that nations can pledge them ; in the acts the most important actually existing in the world—the treaties of 1815. Can any position be more simple or more clear, and is not every thing simple that is understood ?

But it may be replied—" There are many opinions upon this subject. We know not that the Pope is on our side after all—and if he were, we don't see what means he has of counteracting Russia."

Supposing these words uttered, and it requires no supposition, for they are the words uttered by every person in England, to whom these matters are submitted. We reply there *are many* opinions, because there is no judgment. When judgment comes, opinions vanish. The relations between states are of a solemn and legal kind. The maintenance of right, whether of treaty or otherwise, is the only end nations can honestly have in view, and there is no lawful alliance between states, except for the prevention of the infraction of right by others ; and no rational hostility between states, except that which arises from the resistance on the part of the just to the ambition of the unjust. Russia is ambitious and unjust. Who

ever she injures, therefore, are necessarily allies: Every one feels, and is now ready to admit the identity of the interests of Turkey and England. Why so? Because, if Turkey sunk under the arms or sway of Russia, the consequences would be such a reduction of the power of England in Europe and in Asia, that she would no longer be able to cope with Russia, and therefore would be obliged to submit to her dictates, and gradually or convulsively to perish. The union between these two states comes therefore from the present aggressions against the one, leading to prospective aggressions against the other.

So Persia. Persia was united to England, seeking from England protection, from the fear of Russia, and the consciousness of England being endangered also. So Prussia, so Austria. They had equally sought at different periods support of England, fearing the aggressions of Russia, and knew England to be still more endangered. These have now separately linked themselves to Russia, in despair and in the abandonment by England, or by the hopelessness of resistance when England allied herself to the common foe. The accidental men that come into office do not represent England's interests; they know not her laws, and do not educate and teach her mind and direct her thoughts, and therefore is it that the plainest things are not comprehended. But we have the fact England and France were united, and the ground of that union was a sense of the common danger from Russia. In the same line stands the Pope. He also is assailed by Russia, and what child then can open his eyes upon this question, and not see that the

interests of the Pope and of England are one. Put aside the confusion of the last four or five years, put aside the acts of crime and guilt which England has committed during that limited space of time,—and then behold what she was in act, and would now be, if we were either honest or clear-sighted,—a just and an upright state, causing none to fear on the score of their independence,—known to be covetous of no man's land. If England has lost that distinctness of vision as well as character, and has allied herself with Russia, she is doubly endangered; and the Pope, who now, despite her union with the common enemy, stands up to resist or to denounce him, is doubly her ally.

Now as to the means which the Pope possesses of counteracting Russia. The first and the principal—are the chances of awakening to a comprehension of these subjects some few of his spiritual subjects in England. There are Roman Catholics in the House of Commons and the House of Lords; were those men to attend to that which they have neglected as British Citizens and Senators, the spell of Russian power would at once be broken. England would rise to her former state,—justice would be done against foreign and domestic crime,—and thus would be broken the bonds that unite us to the enemy of the Pope and the enemy of England; there would be once more peace and harmony in the world, law and right would revive, a new order of things would come in; and this the Pope can do if he can impose the obligation to study law and diplomacy upon half-a-dozen British Senators.

But she has spiritual subjects in France. They

compose its Cabinet. There is the apostolic Empire of Austria. He has made Protestant Prussia feel and dread the power he could have wielded in her dominions. There are twelve millions of Catholics in Russia, whom, if driven to despair, he has the power of releasing from their allegiance. These are terrible weapons, and of various kinds and of strange character, and these are the thoughts which are revolving in the Cabinet of the Vatican. May they not, confiding in their ultimate efficacy, lose the occasion of employing them !

But the field of Russia's activity is the East. What influence might not the Pope there exert ?

After reviewing the fields on which Russia operates, and where consequently she has to be opposed, and where also the means of opposing her are presented, pass in review the army of spiritual combatants that obey the head of the Church of Rome. It is not the armies of Russia that are to be feared. It is not 800,000 bayonets that are to be coped with—but some 40 or 50 men ! And these belonging not to her, but sought, selected and purchased from amongst us. Let the head of any Government require that diplomacy be studied by a few men, and this vantage would be lost. Russia's security lies in this—that in each country the men, falling into the management of their public affairs—either fancy they know, or know that they do not ; in either case, that is, in every case, the powerful of every Government are the very obstacles to this requisite study ; and error in matters kept secret must perpetuate itself. The system of the Vatican not being engaged in diplomacy, as so called, there are neither the vicious ha-

bits, the fatal engagements, the suppositious claims; the presumption, the frivolity, and the corruption, which in the other European countries constitute the management of international affairs. Were the Pope to see that Russia had to be opposed, he, fettered by no such antecedents, would look around for available resources. And what an array!—Hierarchy, Priesthood, Religious fraternities, whom he can direct in study, and control in conscience! Would he find difficulty in arraying equal combatants to the 50 men by whom Russia commands Europe, and threatens the human race?—For instance:—

Look at the single body of Jesuits pervading each community, formed of the ablest men, tutored to labour, discipline, perseverance; possessing the richest traditions of being already the only counterpart which many centuries present to the Russian Cabinet. This body has distinguished itself by the study of law, internal and external, and its exposition. Whilst the Jesuits were achieving triumphs of peace in Paraguay, pushing religious enterprise to the extreme Chinese limit of the Eastern world, were they in Spain combating tyrants and oppressors, and from the centre of Germany expounding the laws by which just nations are bound. With this extent of reminiscences and versatility of genius, would they not be qualified, if commanded on such a service, to master the secret arcana of Muscovite diplomacy—to unmask and overthrow it.

Let Englishmen be assured that the Pope is too weak to be apprehended, save by his persecutors,—let them be assured that he is on our side, working for us. Let them also be assured that there are chances

of success upon his side; that is to say, upon our side, through his means—chances which it entirely depends upon the way that is chosen to convert into certainty. We will not indulge in hopes, or prophecy, but *this* we assert, that the Pope has within his hands the fate of Russia. The result depends on his knowing how to use his power. The first step promises much—but the Court of the Vatican shares the wretched delusion of the times that religion and politics are, or can, be separated. They know not that when separated, there is neither. Could one powerful mind, belonging to that Church, be brought to comprehend this, the result would not be doubtful. However, this exposition, if not saving—is fatal!

The Pope avows that he has assisted the Emperor of Russia in the subjugation of Poland. He acknowledges that he, on the most solemn of occasions, and in the greatest of human transactions, has sacrificed his strength—the end for which that strength was useful, and his own conscience—on the plea of expediency, (now seen to be as injurious as before unworthy). This avowal could not have been made save in bitterness of spirit. But if there be not a *change* accompanying the recognition of error—if this be remorse only and not repentance—it is a commencement for us, not of hope, but new despondency;—for him, not of honesty but of punishment. He is then the “stumbling-block and the stone of scandal;” and it will be no relief from his death-bed anguish to reflect that before now great occasions have been lost, and great interests and duties betrayed, or that now he has had in ignorance and cowardice many partners.

GRIEVANCES OF THE CHURCH OF ROME, IN RUSSIA
AND POLAND, THROUGH VIOLATIONS OF THE
TREATY OF VIENNA OF 1815; OF FORMER TREA-
TIES BETWEEN POLAND AND RUSSIA; AND OF THE
PLEDGES OF THE CZAR TO THE POPE.

EXPOSITION, CORROBORATED BY DOCUMENTS, RESPECTING
THE INCESSANT CARE GIVEN BY HIS HOLINESS TO REMEDY
THE GRAVE EVILS BY WHICH THE CATHOLIC RELIGION IS
AFFLICTED IN THE IMPERIAL AND ROYAL STATES OF
RUSSIA AND POLAND.

Rome, Secretariate of State,
22nd July, 1842.

THE deplorable situation of the Catholic Church in the immense extent of the Russian possessions, is assuredly the gravest of the numerous causes of unspeakable solicitude, and of poignant regret which have kept in agony the soul of the Holy Father, from the first days of his laborious pontificate. Although the Bishops and the Catholic subjects of Russia, by supreme order, under the pains the most severe, *and even under that of capital punishment*—are restricted from free communication with the Holy See upon spiritual affairs, and although despite reiterated demands, the Holy Chair has not at the Imperial and Royal Court a representative by which it may be informed of the true state of the affairs of religion in these distant countries;—nevertheless, and in spite of these difficulties, and perils, heart-rending complaints of the multitude of the faithful, united in spirit and heart to the centre of the Catholic unity, have successively arrived at the Vatican. And besides, there have been a mass of facts universally known, which it has been impossible altogether to conceal from the eye of the chief of the Church.

His Holiness knew then the evil done to the Catholic re-

ligion, by the almost total dependence which the Russian Government has imposed upon Bishops in the exercise of their pastoral ministry and authority, and in such a manner that secular persons, and those belonging to the communion at variance with the Catholic communion, have been charged with the regulation of the Ecclesiastical affairs and the interests of the Catholics.

His Holiness knew that to men destitute of all instruction in the holy sciences, if not imbued with the most erroneous principles, had been confided the supervision of the instruction, and the education of the regular and secular clergy in the Universities and the other public establishments, whilst from these functions the Bishops and the superiors of the religious orders were formally excluded.

His Holiness knew to what condition of penury his clergy had been reduced by the usurpation of Ecclesiastical property, and the suppression of benefices and monasteries, and other pious institutions, and that by such spoliations the clergy were destitute of the necessary means for the honourable performance of the charge of their cures.

His Holiness knew that to the great prejudice of the regular orders, and to the subversion of the discipline established by the canons and the apostolical institutions, measures had been taken by the Russian Government to subtract the different religious families from the authority of their general supervisors, and to subject them to the ordinary Diocesans, to impose upon them new regulations in all that concerns profession, monastic vows, novitiate, study, and such things.

His Holiness knew the lamentable consequence of the too great extent of dioceses in the Empire, and in the kingdom, properly named of Poland, whether by the indefinitely prolonged vacancy in the Episcopal Churches, or by the system doubly anti-canonic, of the confiding the administration of one

bishopric to another Bishop, already incapable of fulfilling his spiritual duties to a too numerous flock; or by giving to the widowed churches pastors either too advanced in years, or destitute of all physical and moral strength, and who are never formed for the sanctuary, and for the ministry of the Church, or whom other reasons rendered improper for the great charge of the Episcopal dignity and jurisdiction. In fine, passing in silence other grievances, the Holy Father knew, that after having wrested from the Catholic clergy—secular and regular of the one and the other rite,* a great number of their churches and their monasteries—these monasteries and these churches had been delivered up to the clergy of the dominant religion of Russia.

His Holiness knew that disturbing again the whole hierarchy of the United Greeks, the ukase of the 22nd April, 1828, suppressed the Bishopric of this rite, erected anciently at Luck, capital of Volhynia, and he knew that pursuing the plan unhappily traced from the end of the last century, every means were put in operation, and every effort employed to separate the United Greeks of the Catholic Unity, and to incorporate them in the Russo-Greek communion.

This series of facts, resting the one on the other, tending all to destroy the spiritual well-being of about twelve millions of Catholics, scattered over the united empire of Russia and Poland, profoundly afflicted the paternal heart of his Holiness. God, who has committed to him the care of these twelve millions of souls, will demand from him a severe account of his ministry. And his grief was not diminished, when, comparing acts with promises, the Holy Father re-perused not only ancient and solemn engagements taken from the year 1773, by the Russian Government, to preserve the *statu quo* of the Catholic religion in the provinces ceded to Russia, but also recent protestations, and most explicit ones,

* Catholics and United Greeks.

by which this Government promised on various occasions to grant its protection, its good-will and its favour to the Catholic worship, and to those who profess it. The Holy Father might then have believed that that which occurred in the Russian possessions was prompted by the manœuvres of the enemies of religion, who by calumny, by malicious insinuations, exciting the wrath or the suspicion of the Government against its Catholic subjects—Catholic of the one and the other rite—pushed it to these extreme resolutions of deplorable vengeance, in spite of treaties solemnly concluded, of promises repeatedly renewed, and of paternal intentions and merciful goodness, the natural appendages of a powerful Sovereign. And it may easily be understood that the first and most anxious solicitude of the Holy Father, from the moment he came to conduct the government of the Universal Church, was directed to repair, in as far as it was possible, these lamentable disasters of Catholic religion in Russia and in Poland, to rectify the deplorable causes from which they appeared to have sprung, and in this hope to appeal to the Imperial favour and protection.

The kingdom of Poland was then a prey to the guilty spirit of sedition, and entirely convulsed by political events too well known. The Holy Father—universal Master of the great Catholic family—jealous depository and zealous prop of the unsullied doctrines of the religion, in the eyes of which has been, and always will be sacred the maxim of perfect faithfulness, and that of submission and obedience from subjects to their temporal Sovereign in the civil order—saw the need, and felt the duty of recalling and inculcating this maxim upon this occasion to the Polish nation—fearful lest the passions of the times and the deceitful counsels of those who dared to abuse the holy name of religion to evil ends, might succeed in shaking or in destroying this maxim amongst that people. And also to prevent

the numberless evils, to which a conduct opposed to Catholic principles must inevitably lead, from unhappily falling upon that dear and numerous portion of his sons, and upon religion itself, already so injured and so afflicted in Poland. Therefore, his Holiness addressed a letter to the Polish Bishops to excite them to the accomplishment of the obligation attached to their sacred ministry, to keep alive in the clergy and in the people, fidelity, subordination, and peace, and to render sensible to them the great error of which they would be guilty before God and before the Church, *in resisting legitimate power*.* And as, perhaps, by the effect even of these troubles the voice of the supreme Pastor had not reached these countries, the Holy Father *deferring at the same time to a request that was made to him in the name of the august Emperor and King*, by his Minister Plenipotentiary Prince Gargarin, thought fit to renew these tender and wise warnings to the Bishops of the kingdom, with the view of co-operating by their means towards the perpetuity and consolidation of political order in Poland, and to bring back in particular into the road of duty, the members of the clergy that, blinded by misfortune, had strayed from it.

But the cruel agony that preyed upon his heart, at the sight of the wretched condition of Catholic affairs in the royal and imperial dominions, did not permit him to allow this favourable occasion to pass without putting it to profit—happy that it presented itself, and desiring to take advantage of it, he desired that, conjointly with his second letter to the Bishops, an exposé should be addressed to the Russian ministry, of the divers evils known up to that day, and endured by the Catholic religion in these vast countries, some exactly set down, others only indicated, on account of the want of certainty and precision in the intelligence that had been received. For all, a fitting reparation was reclaimed

* It is not said that the power resisted *was* legitimate.

from the justice and equity, and the magnanimity of the Emperor and King; and upon that occasion his Holiness caused to be renewed (but always uselessly) a formal demand, that a chargé d'affaires of the Holy See should be accredited to St. Petersburg, in order that Rome might be by him instructed of that which concerned the Catholic Church, whether in the Russian empire, or in the kingdom of Poland. It is thus that if, on one side, the demand made by the Imperial Government was a glorious testimony, to the beneficent influence exercised by the Catholic religion for the tranquillity and submission of those who profess it, and consequently to the absolute necessity of respecting and protecting that religion of peace—on the other, in the full care and solicitude given by the Holy Father for the unhappy vicissitudes of Poland, the world had a new and striking proof of that truth, already rendered so evident by the experience of so many centuries, that the Holy See, always a stranger to the dark intrigues of policy, offers a protecting arm, and employs without ceasing its moral influence, to shield thrones from the perils with which, by the inconstancy of affairs, they are often menaced; and that all its views, its desires, and its care, tend solely to the spiritual advantage of the Catholics, in whatever region they may be found.

Whilst, by the order of his Holiness, course was given to these acts, the most consoling indications suggested the hope of a prosperous future, or rather, of a new era, for the Catholic religion in the Russian possessions. The organic state of the kingdom of Poland, promulgated from the first re-establishment of public order in that country, and communicated by the imperial legation to the pontifical Ministry in an official despatch of the 12th April, 1832, gave the assurance that the religion professed by the greater portion of the Polish subjects should be always the object of the especial care of the Government of His Majesty, and that the funds

belonging to the Catholic clergy, Latin, or United Greek, should be recognized as property, common and inviolable; and it was even declared that the right of property of individuals* should be sacred and inviolable, and these assurances, although given for the kingdom of Poland as constituted by the treaties of 1815, were such, that it was impossible not to receive them as applying equally to the Polo-Russian provinces. That persuasion necessarily resulted from the full conformity of these assurances with the unalterable principles of justice, and with the ancient treaties concerning these later provinces,

Who then could represent the mournful surprise of the Holy Father when he was informed that in overt opposition to such guarantees, new sequestrations had been recently decreed to the prejudice of the religious communities, and the secular clergy, and that new dispositions, extremely injurious, had been taken with respect to the Catholics, both of the kingdom of Poland, and of the Russo-Polish provinces, *so that it did not appear that the intention was to punish in subjects the crime of revolt, so much as to overwhelm and extinguish the religion to which they were attached.* In effect, in so far as regards the kingdom of Poland, his Holiness learned that the possessions of the regular orders formerly suppressed, and of which the revenues, according to the bull, *ex imposita*, of the immortal Pius the 7th, and the treaties concluded between the Holy Chair and the Emperor Alexander, of glorious memory, were appropriated to cathedral churches and seminaries, had been adjudicated to the public treasury; and that the Government of Poland had required from each of these episcopal administrations the cession of a designated Catholic Church, in order that it should be de-

* The Pope thus became possessed of a pledge, that the property of the Polish subjects of Russia should be respected, as a condition or consequence of the assistance rendered to the Czar for the subjugation of Poland.

livered up to the Greek Church, a requisition to which neither the Bishops nor the Clergy could assent without sinning against religion, and betraying their conscience—that the allowances assigned to the Bishops in compensation of the property appertaining to their churches had been reduced to one half—in fine, that thousands of Polish families had to deplore the fate of their children, transported to the interior of the Russian empire, and placed in the near peril of abandoning the Catholic communion, in the bosom of which they had been born and brought up.

As to the Russo-Polish provinces, the Holy Father soon learned, if not with exactitude, at least with sufficient certainty, that the Imperial Government had ceded to the Greek Church the magnificent sanctuary of our Lady Poczajow, celebrated for the pious pilgrimages from all Russia, as well as the rich convent of the Basilians, annexed to that Church. Further the surrender to the same communion of the churches and monasteries of the same order in Lithuania, as well as that of the great Chartreuse of Bercza, and a considerable number of other temples, or convents, all wrested from the Catholic Church, Latin, or United Greek, to which they had belonged from time immemorial, or from their foundation.

The profound grief with which his Holiness was penetrated by intelligence so lamentable and so unexpected, was raised beyond all expression, when, in receiving soon after the Imperial Ukases, which had reference to these divers acts, he saw too well the extent and the consequences of measures adopted for the ruin of the Catholic Church of the two rites—and in effect by the regulations herein contained, the above-mentioned sanctuary of Poczajow had become a bishopric of the Russo-Greek communion—the order of St. Basil, the honour, the ornament, and the principal support of the United Greek Church in Lithuania, and in White Russia, had been almost entirely destroyed; the Latin

diocese of Luck had lost 18 churches, and the same diocese United Greek a still greater number, which had all been given up to the dominant Church. The Latin diocese of Kamienieck had been robbed in like manner of an equal number of churches of the two rites. In the vast extent of the Russo-Polish provinces the tide of suppression had struck down at the same time 202 Latin convents of different orders out of the 291 that existed there. Finally, the public sale of the land which belonged to some of these convents, and the adjudication to the profit of the public treasury of the proceeds, had extinguished the parish schools and colleges.

However, without before having precise information, the Holy Father, certain of the substance of the facts reported to him, struck with their gravity, and at their same time, faithful to the sacred obligations of his Apostolic Ministry, did not delay an instant in ordering that an official note should be addressed by the Cardinal Secretary of State to the Russian Minister resident at Rome, containing on this subject the warmest remonstrances, in order that these remonstrances should arrive through that channel to the knowledge of the Emperor and King, His Holiness not wishing to renounce the hope of seeing this powerful monarchy submit, after mature examination, to the justice of his reclamations.

Several months had passed by without reply on the part of the Russian Cabinet to this note, or to the exposition which had been addressed to the Emperor in the name of his Holiness, at the end of June 1832. When the Count Gourieff, successor to Prince Gagarin in the Imperial Legation at Rome, presented, in the month of May 1833, to the Pontifical Minister, a memoir, in verbal form, containing the observations of his Government, in reply to the different points, the objects of the reclamations in the first private note, and in the official note of the Secretary of State. These observations, besides passing over altogether *in silence* the explicit demand to have at St. Petersburg a Chargé d'Affaires of the Holy

See, besides passing over the different allegations concerning the persecutions directed against the Catholic religion in the kingdom of Poland, properly so called, were not in other respects of a nature to dissipate the fears, or to quiet the grief of his Holiness. To be convinced of this, it requires but to read, with impartiality, the memoir transmitted by the Count Gourieff, and to collate its assertions and its arguments with the contents of the private communication, and of the official note of the Secretary of State; and above all, with the series of such facts as it was possible to indicate in that note, since at that time precise information was not possessed, but these details are known as publicly as it is possible to know things that happen in distant countries; and besides, they are attested by irrefragable documents, and by the very acts of the Imperial Government.

However, a happy circumstance seemed calculated to lessen the grief of the Holy Father, the assurance was given to him that in a solemn moment the august Emperor and King had expressed himself in the most favourable terms for the Catholic religion, and for the portion so estimable of his subjects that professed that faith. In the heart of the Holy Father revived the sweet confidence that the dignity and the nobility of the character of his Imperial and Royal Majesty had inspired, and made it his duty to manifest to him his lively gratitude, but at the same time, after having retraced once more upon this occasion with entire loyalty the maxims of the Catholic religion, constantly practised by the Holy Chair, his Holiness made a new appeal to the natural bounty and the high protection of this powerful monarch for his Catholic subjects, and for the Church of God.

And certainly this benevolent manifestation of the sentiments of the Emperor, these recommendations of the Holy Father to his Majesty, *occurred at a fitting time*, for his Holiness had just learned, that by a Decree of the Senate of the

10th March, 1832, it was formally interdicted to publish, or to receive in the Imperial States any kind of rescript or Apostolic Bull! In like manner, a ukase, almost of the same date, restored to vigour the most severe penalties against pretended culprits, who should have, as it was affirmed, laboured for the conversion from the dominant Church to the Roman Catholic faith. Besides, the ukase of the 20th August of the same year, confirmed and explained by that of the 26th August, 1833, subjected Poland to the laws in vigour in the Russian Empire, which require for mixed marriages, as an absolute condition, the formal promise to bring up all the children in the Greek religion. And, by the same ukase, it was ordained that such marriages, contracted before the Catholic Curate alone, should be regarded as not valid until the ceremony had taken place before the Russo-Greek Priest. But far more another ukase of 1833, restoring to vigour the ordinances of Catharine the Second, long since fallen in desuetude, enacts, in the too evident design which has been but too well attained, of suppressing an immense number of Catholic parishes, that there will be henceforward a Church and a Priest *only where* the Catholics will form an aggregate population of 400 inhabitants. In execution of two ukases of the 24th June of the same year, and of the 22nd April, 1834, relative to the erection of two Bishoprics of the Greek Church at Warsaw; and at Polock, a magnificent church was taken from the Catholics in the first of these two cities; thus had they lost, upon another occasion, the great temple of St. Casimir at Wilna.

But the epoch at which were taken the divers measures that we have enumerated, precedes, or at least is not later than the last months of 1833 and the first of 1834, with the exception of those that were but the consequences of the last previously ordered. So that the Ministers of his Holiness having had knowledge of them only subsequently, were unable to make mention of them, in the remonstrances of which we

have spoken. According to the information that has reached the Holy See, from the day on which the Holy Father had addressed to the magnanimous monarch the letter which we have recently referred to, more than a year passed by, without new and odious measures having been taken to the detriment of the Catholic religion in the Russian provinces. It is necessary, however, to except the measure of great weight which is contained in the ukase of the 28th March, 1836, by which it is forbidden to the Latin priests either to listen to the sacramental confessions of those persons that are not particularly known to them, or to admit such persons to the communion of the Eucharist.

But this period of calm was short and insidious! The enemies of the Church knew how to put it to profit for the execution of their ancient and dark designs, and soon followed that terrible tempest which excluded from the harbour of safety several Bishops and a great portion of the clergy and people of the United Greeks. It would be long and too painful, minutely to restate all the circumstances, and to trace the progressive march of this deplorable event. What is its cause and its origin! During what course of time has it been prepared, and with what ardour and ability! What means, what shameful practices, what perfidies, have been employed in it! The end once attained, under what colour has it been represented to the world! With what art, with what perseverance, is it now sought to spread its effects to the other portions of the Imperial estates, and to the Catholic subjects of the Latin rite!—An overwhelming mass of authentic documents, published statements, foreign journals, circumstantial details of events, certified by name, date, place, and testimony, which can neither be rejected nor denied.

Those who above all things in respect to such facts, seek to know the truth, may there have the means of appreciating all the importance of that deplorable defection of the Russo-

Greeks in the Russo-Polish provinces! The children of the Catholic Church, whatever be the spot of earth on which they dwell, to whom may reach the cry of our grief, whilst respecting profoundly the judgments of God upon unfortunate prevaricators, and in highly commending the Christian courage and religious constancy of those who, under the load of persecution, have been enabled to resist, and to preserve themselves faithful, will judge, knowing the cause, if the memory of this deplorable event can in good faith, be perpetuated by a medal, bearing as its inscription, "SEPARATED BY VIOLENCE IN 1596, REUNITED BY LOVE IN 1839."*

At the news of the detestable apostacy of the Russo-Greek Bishops, the Holy Father, supreme chief of the Catholic Church, writhing under all the anguish of this atrocious wound opened in the bosom of the common mother; had immediately to raise before the sacred college, his apostolic voice to reproach these unhappy men with their violated faith, and their despicable treason. On the same occasion, being unable to conceal the wretched and fearful agony with which his soul was overwhelmed, by the evils which religion suffers in the Russian possessions, and desiring to make known with what love and by what incessant care he had sought to remedy them, the Holy Father resolved to cause to be participated in by his well-beloved children, his Catholic subjects of the Emperor of Russia, his sweet hope to see in fine crowned with success, the remonstrances so after, and now again made in their favour, to his Majesty the Emperor and King. And these pontifical words were not solely based upon the justice and the magnanimity of this powerful monarch: this prince had just given new consoling assurances, which justified these words. H. R. & I. H., the hereditary prince of all the Russias, had come to Rome, and had dwelt there; his Highness was

* On a medal lately struck by the Emperor of Russia.

happy to be able to renew upon that occasion, with effusion of heart and confidence, his recommendations in favour of the Church, and the Catholic subjects of his I. M. In his reply, the Emperor and King promised the largest protection, the most sincere benevolence, and the Holy Father was thereby induced to renew his representations with still more ardour and zeal.

However, two particular questions were raised between the Holy See and the Russian Government, the one in respect to Mgr Ignace Pawlowski, Bishop of Mégara *in partibus infidelium*, and Suffragan of Kaminiek; the other respecting Mgr Marcel Gutkowski, Bishop of Podlachia, in the kingdom of Poland. As to the first, by several grave reasons, amongst which chiefly figured that of having subscribed and enjoined to the Catholic clergy the observance of the Imperial ukase, which forbade the clergy to administer the Sacrament to unknown persons, His Holiness, according to the impulse of his own conscience, had deferred the canonic institution of this prelate to the metropolitan Church of Mohilow. As to the Bishop of Podlachia, although entirely exempt in the eyes of the Holy See from the guilt of which the Russian Government accused him and evidently justified against those accusations in the official documents addressed at different periods, and in divers forms, to the Pontifical Minister by the Russian Legation at Rome, had been, by order of the Imperial Government, violently removed from his seat and confined in the convent of Ozeransk in the province of Mohilow. It is useless to say, that on the intelligence of this new affront offered to the Church, of which the Holy See had knowledge by the communication of the Imperial Minister himself, he whom God has established to protect the rights of his spouse, did not remain mute. The Holy Father, always animated by the intimate conscientiousness of his duties ordered that, by an official note to the Cardinal Secretary of State of the 1st of June, 1840, which

was followed by another of the 16th August, that most pressing reclamation should be addressed to the Imperial Government, and it was again according to his will that the occasion was taken to reinsist upon the wrongs suffered by the Catholic religion in Russia and in Poland in reclaiming all that had been exposed anteriorly up to the year 1832, and in adding thereto lamentations suggested by subsequent facts which, as we have already said, were not at that period, known to the Holy See.

After having waited during several months for some reply on the part of the Imperial Government, in the month of September, 1840, the Counsellor of State, M. Führmann arrived at Rome, accredited by a letter from the Minister for Foreign Affairs, Count Nesselrode, "to enter with the Pontifical Cabinet into some *pour-parlers* relative to different questions which His Imperial Majesty desired *sincerely to see terminated in a spirit of mutual conciliation and concession.*" However the end of this mission, renewed in the month of the following December, and after the unhappy and sudden death of the said envoy, by his successor, M. de Potemkin, was nothing else than to solicit, in the name of the Emperor and King, the canonic institution of Mgr Pawlowski to the archbishopric of Mohilow, and the Pontifical co-operation to persuade Mgr Gutkowski voluntarily to surrender the Church of Podlachia. In proposing these two steps the Russian envoy did not omit to make it clearly understood that the adhesion of the Holy Father would be the condition and the measure of the benevolent dispositions of his sovereign in respect to the Catholic Church in the full extent of his dominions. "THESE ARE," said M. Führmann, in a verbal note addressed to the Cardinal Secretary of State, on the 19th of the above-mentioned month, "THE TWO DEMANDS OF WHICH THE ACCEPTANCE WOULD BRING THE ACCOMPLISHMENT OF THE DESIRES THAT HIS HOLINESS HAS BEEN PLEASED TO EXPRESS AT

DIFFERENT PERIODS IN FAVOUR OF THE CATHOLIC CHURCH
AND CLERGY IN THE STATES OF HIS MAJESTY THE EMPEROR
AND KING."

And in the commencement of the same note, expressing with what pain the Imperial Government saw that the original and happy relations between the two Courts, were changed by the two above-mentioned questions, he declared, that "*the Russian Cabinet infinitely desired to remedy such a state of things, which if it were to be prolonged, would react necessarily upon the peace of the Catholic Church in the States of his Majesty the Emperor, as well as on the dispositions which animated his Majesty in respect to it.*" Besides, in a second note addressed the 23rd of the same month, when on the side of the Holy Chair, it confined itself to remarking that it was necessary to subject to a mature examination the two Imperial propositions, M. Fühmann caused it to be observed, that it was a question "*of maintaining the religious peace, and the consolidation of the well-being of the Church, of the Clergy, and of the Catholic populations of Russia and of Poland, which the Imperial Government desires to second by all the means in its power;*" adding that "*an appeal made to the Chief of the Catholic Church, in the name of such grave interests deserves to fix the paternal solicitude of His Holiness.*" Such is also the manner in which the august Sovereign expressed himself in a letter of the 3rd December, 1840, addressed to His Holiness, of which the Chevalier Fühmann was the bearer on his second journey to Rome.

In reality, the Holy Father had understood, by the sense of all these communications, and on the formal appeal of the Envoy of Russia, held it for certain, that the Imperial ukase of the 28th March, 1836, relative to the administration of the sacraments, subscribed by Mgr Pawlowski, and imposed by him on the Catholic Clergy, had been fully revoked, and revoked at the request of the Prelate himself.

His Holiness believed, besides, that he could put confidence in the declaration of the sentiments which Mgr Pawlowski, addressed to himself; and by these motives, after having long reflected, in presence of God, consented to receive these two demands, and to give them his consent. Therefore, after having, in the Consistory of the 1st March, 1841, appointed Mgr Pawlowski to the Metropolitan church of Mohilow, the Holy Father wrote shortly afterwards a Brief, in form of letter, to the Bishop of Podlachia, exhorting him by counsel, and for the reasons above mentioned, to the spontaneous resignation of his episcopal chair.

Whilst these negotiations proceeded, M. Potemkin had already some weeks before transmitted to the Cardinal Secretary of State a confidential note, signed by the Chevalier Führmann, and found in his papers after his death,—a note which was destined to replace at once the verbal note addressed by the Chevalier, during his first mission, and the two official notes of 1832 and 1840, mentioned in the verbal note. This note of the Russian Envoy that had just expired, reduced itself, in substance, as well as the memoir formerly presented by M. de Gourieff, in 1833, to passing over in entire silence some of the facts of which the Holy See complains, and to denying some others that were notorious, accumulating assertions that were without proof, and explanations that were insufficient. This note was, therefore, far from producing a happy impression upon the mind of his Holiness, continually tormented by the sight of the evils of the Catholic Church in Russia and in Poland. However, even this note was the subject of serious considerations on the part of him, who, from the lofty Chair of St. Peter, where Divine Providence has placed him, for the government of the universal Church, looks upon the difficulties, appreciates the dangers, has become imbued with the sad condition of the times; and thus did his Holiness end by persuading himself, that it was good even still further to seek to induce a

powerful Emperor to respect, because of his sacred promises, the rights of his subjects belonging to the Catholic worship, and in that view to accede to these two demands.

Therefore was it, that, in the verbal note placed in the hands of the Chevalier Führmann, after having explained in what sense his Holiness intended to adhere to its requests, the following words were set down,—“ *By all this the Emperor and King, in the elevation of his soul, will easily understand, that the Holy Father loves to push his deference and his respect towards his Majesty even to that extremest limit that it is not permitted to him to overstep; but he will equally understand, that the condescension by which his Holiness is disposed to be guided within those limits, is essentially based upon his reliance on the imperial and royal promises of his Majesty in favour of the Catholic Church. His Holiness regards himself, then, as assured of seeing those promises immediately realised: and it is in the view of hastening those for the Church herself, and for the future benefit of the Empire of Russia and the Kingdom of Poland, that his Holiness has found out the means of satisfying himself in regard to the demands that have been made upon him.*” And in the Brief, in form of letter, addressed to the Bishop of Podlachia, the Holy Father required that the following expression should be introduced,—“ *Therefore, led by the desire of peace, and watchful over thy safety and those over whom thou art placed, and solicited by the hope given to us by the most serene Emperor and King, of alleviating the evils with which the Catholic religion in the most vast regions of Russia and Poland have been afflicted, we exhort and persuade thee, venerable brother, to resign of thine own will the Church of Podlachia.*” To know with what frankness the Holy Father, in this circumstance, unveiled directly to the monarch his profound sufferings, and expressed to him his entire faith in his imperial and royal promises, it is necessary to read the entire tenor of the letter of the 7th

April, 1841, addressed to his Majesty through the Russian Legation at Rome ; and it was to the same legation that was transmitted the Brief, in form of letter, to Mgr Gutkowski, Bishop of Podlachia.

After all that has been thus rehearsed, who could have believed that the weighty oppression under which groaned the unhappy Catholics in the Russo-Polish possessions, should, instead of diminishing, have increased,—that new and more odious measures should have been taken against the faith which they professed,—in a word, who could have believed that, after such engagements, things should proceed even to a worse condition than that in which they were ? Such, however, are the facts ; and the reports the most certain,—the documents the most authentic, the facts the most notorious carry the bitter conviction of this reality to every man of an upright conscience. We will not say that the Holy Father never received up to the present moment one word of reply or the slightest communication from the Russian Cabinet, upon the point indicated in his last letter, so pressing, addressed to his Majesty the Emperor and King. We will not remark that fifteen months have passed by since to the Russian Legation was confided the Brief to the Bishop of Podlachia, without there having been received any reply from this Prelate, which leads to the supposition that this Brief never reached its destination.* But we will say that shortly before the first arrival at Rome of the Chevalier Führmann, a great number of acts and documents, and imperial ukases had been promulgated,—all sovereignly con-

* At the moment that these documents were printed at Rome, a communication was received from the Russian Mission, announcing that the Bishop of Podlachia had received a letter addressed to him by the Holy Father, 7th April, 1842, and that the Prelate had in consequence surrendered his chair ; but up to the 22nd April, 1842, His Holiness had not received any communication from this Prelate—neither his demission nor a reply of any kind.

trary to the Catholic religion, and of which the Holy Chair had knowledge a long time afterwards—that the Russian Envoy had taken care to keep these secret, although the circumstances and the subject of the conferences held with him appeared to make it an obligation on the loyalty of his government not to dissemble such facts—so that the Ministers of His Holiness could not even have the idea of complaining of these acts, and of demanding account of them. Amongst these we will cite the ukase of August, 1839, which forbids, under pain of destitution, all the Catholic ecclesiastics of the oriental provinces of the Empire to baptize children born from mixed marriages, and in like manner not to admit to the communion whoever had once participated in the worship of the Russo-Greek Church. Such an act, having the virtue, according to the judgment of the Imperial Cabinet, to incorporate in the Greek Church all those who accomplished it, and in such a manner that they could by no means afterwards cease to belong to it. Let us cite the sovereign order of the 16th December in the same year, which, placing in vigour certain ancient ukases, formally interdicts the building of Catholic Churches, unless at certain places and under certain conditions,* which limits the number of parishes and the number of curates, which enjoin the members of the Roman Catholic clergy whether secular or regular, never to leave, under any pretext their domicile, except upon certain cases rigorously determined—which forbid in fine, the curates to grant spiritual succours to the inhabitants of other parishes than their own, making the exception to that rule only in some particular cases, for which are further imposed divers conditions. Let us cite the decree by which are established new regulations and a new order of judicature against per-

* The Empress Catharine proclaimed to the world, that whoever was attacked in his faith and in his circumstances was absolved from all allegiance, and had a right to seek throughout mankind for guardians and protectors.—*Ed. P.*

sons accused of having sought to propagate the Catholic religion to the prejudice of the dominant religion, and which abandons to the mercy of the criminal tribunal of the Emperor, the Catholic ecclesiastics accused of this pretended crime, whilst on the other side honours, distinctions, recompenses of all kinds are profusely showered upon the members of the Russian clergy who have exerted themselves efficaciously in obtaining the prevarication of the Catholics. Let us cite the formal prohibition promulgated on the 20th January, 1840, never to pronounce again the word "UNITED GREEK CHURCH," or to place any obstacle to marriages between Russo-Greeks and Greek Catholics, with a clause express and always in vigour, that the marriages celebrated in presence solely of a Catholic Priest are declared not valid. Let us cite in fine, the imperial ukase of the 21st March of the same year, which decrees the confiscation of goods against whoever abandons the dominating religion, without prejudice of other pains established by pre-existing laws, the whole accompanied by regulations most severe upon the same subject.

According to information recently obtained by the Holy See, the Imperial ukase, by which the Catholic priest is forbidden to administer the sacrament to persons unknown, or who belong to other parishes besides his own, has not been revoked, although the Chevalier Führmann had given his word, in the name of the Emperor, that it should be revoked; but on the contrary, under the pretext of modifying that ukase, and of rendering clear its sense, IT HAS BEEN FURTHER CONFIRMED.*

We have now to establish, that in the interval of the first

* In this Exposition continuous reference is made in support of each of its allegations, to the documents that are thereunto appended. In support of this charge of deception and falsehood, is document 79, being a despatch of the Minister of the Interior, in which he declares that it was

and second mission of the Chevalier Führmann, and during his sojourn at Rome, nothing was relaxed in the hardness of the system of oppression put in operation against the Catholic clergy and worship. In certain Governments of Lithuania and White Russia, it is not permitted to the curates to exercise the great ministry of the word, and to fulfil the sacred duty which is imposed upon them of preaching and instructing the people. The only liberty left to them is that of reciting certain sermons, approved and fixed. In the remainder of the ancient Polish Provinces, all sermons before being preached, have to be submitted to the censure of what is called the Doyénnes. In consequence of these regulations, an order of the Minister of the Interior, of the 5th Dec. 1840, exiles into Great Russia, to live there under the strictest surveillance of the police, two curates, whose whole crime was having exhorted their respective parishioners to remain firm in the faith of their fathers, without having subjected the text of these exhortations previously to this censure.

And is it permitted to us to hold silence on the evils done to the Catholic religion throughout the whole Russian states, from the conclusion of the negotiations begun with the Chevalier Führmann, conducted to a close by M. Potemkin, of which the result was the pontifical assent given to the two imperial propositions relative to the Archbishop of Mohilow and the Bishop of Podlachia.

not the intention of the ukase to prevent Roman Catholics from receiving the communion from Roman Catholic priests, and ends with stating, that Roman Catholics can be admitted to the sacraments, &c. "only upon the exhibition of certificates, delivered by their respective curates," so that the explanation entirely falsified the asserted intention of the order. The effect of the order being to deprive Roman Catholics, of all possible intercourse with the priests of his religion, where there was no Roman Catholic curate, and there could be no Roman Catholic curate except in parishes where there were 400 Roman Catholics.

A sovereign order, addressed to the directing senate, of the 22d May, 1841, forbids the Ecclesiastical Roman Catholic authorities, from receiving applications, or adjudicating on causes of conjugal separation, which had been already judged upon by the High Russo-Greek Synod. The deplorable consequences of such a measure, for the ruin of Catholic discipline and morals, are but too manifest. May it please God at least that the Holy See may not have to lament the culpable connivance of a certain elevated Dignitary of the Church, who, trampling under foot inviolable principles, has accorded the celebration of the sacred rite of marriage of the Catholic with one of the Russo-Greek rite, separated from her former husband, solely in obedience to the decisions of the Greek Synod.

But the last blow had to be inflicted upon the unhappy Catholics of these vast regions on the very day the most sacred for them. An Imperial ukase, dated on Christmas day last (1841), consummated the spoliation so long ago undertaken of the Ecclesiastical properties, ordaining that *“ all landed property, inhabited by peasants attached to it, appertaining up to the present time, to the clergy of a religion stranger to the occidental provinces, shall pass under the management of the minister of the national domains, excepting solely those properties which, not constituting a portion of the possessions of the high hierarchy, nor furnishing funds and capitals for foundations, are solely in the possession of the clergy administering the parishes.”* The importance of the sovereign decree and its necessary relation with the extreme degradation, or to say for the total ruin of the Catholic Church in the Russo-Polish provinces, cannot be well understood, unless it is collated with several other acts executed at the same time by the Imperial Government, and above all, unless a comparison is established between the recent possessions, retained in Russia in spite of past misfortunes by the Catholic Clergy, and the scanty remnants that pertain to it to-day.

After all this, it may cease to astonish to see the Imperial authority choose and name on the 22nd of March last, without having in any way consulted the Holy See, a Suffragan to the part of the diocese of Cracow subject to Russia, and in like manner naming, by three decrees of the 10th of May, a Bishop and two Suffragans for the kingdom of Poland. As if the disposition of the bishoprics, and the collation of the sublime dignity that is attached to them, did not essentially depend upon the Chief of the Church! That which has preceded will cause to be received without surprise the recent ukase, of which the journals have spoken, in virtue of which, the Julian calendar is substituted in the same kingdom of Poland for the Gregorian calendar, to confound the Ecclesiastical discipline, and the religious usages of the Poles.

Here ends the desolating exposition of the evils, under the weight of which is bowed down Catholic religion in the vast extent of the Russian provinces, and at the same time of the incessant labours, but alas, always fruitless, of the Holy Father to arrest them in their course, and to remedy them. After perusing it, who can say that the Holy Chair, leaving these unhappy faithfuls without succour or defence in the midst of their calamities, had abandoned the great cause of the Catholic religion? And, nevertheless, because the complaints, the reclamations, the efforts, the prayers, the anxieties of all sorts used by His Holiness, according to the requirements of the moment, have not been publicly known, the enemies of the Apostolical Chair have taken advantage of these circumstances to discredit and revile it; giving it to be understood that all that was done, outrageous and shameful in Russia and Poland, against the rights and interests of the Catholic Church, was only the result of anterior concessions made by the Chief of the Church, or at least, that the Sovereign Pontiff—who knowing all, dissembled all, and continued to cover all with his silence. The Holy Father is not ignorant of this, and he knows also that there have been men who

have not blushed to insinuate, to spread, in the times most favourable, these most atrocious calumnies. But God forbid that the Vicar of Jesus Christ, and the Great Pastor, and Guardian of the Catholic flock, should ever become the cause of scandal, or a stumbling-block. Reduced to this extremity, and the imperious laws of duty and conscience do not permit him to escape from it, the Holy Father is now in the inevitable necessity of rendering public this exposition of the cares that he has devoted to the defence of the Catholic religion in the Imperial States. May this lamentable exposition reach the eyes, and obtain the serious attention of the very powerful Emperor and King—at the positive sight—at the demonstration of so many wrongs, it is impossible that they do not re-animate in his soul, so elevated in its nature sentiments of moderation, of equity, and of justice. Such are the hopes which His Holiness loves to nourish—such are the views that he addresses once more again to the Majesty of the Imperial and Royal throne.—At the same time that it pleases him to be able to recall, and to represent anew in all their loyal efficacy, to all the Catholics of this great Empire, the invariable maxim of the Church, which obliges them to obey, and to remain subject to the temporal Sovereign in the civil order, not only because of fear, but much rather because of conscience.

(We append the Allocution of the Pope, to which this Exposition is supplementary.)

VENERABILES FRATRES,

Hærentem diu animo nostro dolorem ob misserrimam Catholicæ Ecclesiæ in Russiaco Imperio conditionem, alias, Venerabiles Fratres, Vobiscum ex hoc ipso loco communicavimus. Testis quidem Ille est, cujus, immerentes utique, vicaria potestate fungimur in terris, Nos statim ab inito supremi Pontificatus munere nullam sollicitudinis studiique partem prætermisisse, ut tot tantisque quotidie ingravescentibus malis, quoad fieri posset, mederemur. Quis autem

impensis hujus modi curis responderit fructus, facta etiam recentissima satis superque demonstrant. Quantum inde assiduus Noster dolor excreverit, magis Vos cogitatione præcipitis, quam Nobis liceat verbis explicare. Est vero quod intimæ amaritudini summum veluti cumulum addit, quodque nos, pro Apostolici ministerii sanctitate, præter modum anxios ac sollicitos habet. Cum enim quæ ad incolumitatem Catholicæ Ecclesiæ intra Russiæ dominationis fines tuendam indesinenter præstitimus, in iis maxime regionibus palam non innotuerint, illud sane molestissimum accidit, ut apud degentes inibi permagno numero fideles, avita Sanctæ hujus Sedis inimicorum fraude, rumor invaleuerit, Nos sacratissimi officii immemores tantam illorum calamitatem silentio dissimulasse, atque adeo Catholicæ Religionis causam pene deseruisse. Itaque eo jam adducta res est, ut lapis offensionis ac petra scandali propemodum evaserimus amplissimæ parti dominici gregis, cui regendo divinitus positi sumus; immo vero universæ Ecclesiæ super Eum tanquam super firmam petram fundatæ, cujus ad Nos, utpote successores, veneranda dignitas promanavit. Hæc porro cum sint, id Dei, Religionis, et Nostra etiam ratio omnino postulat, ut vel ipsam tam injuriosæ culpæ suspicionem longissime a Nobis propulsemus. Atque hæc causa est, cur omnem seriem curarum, quas pro Catholica Ecclesia in memorato Imperio suscepimus, peculiari expositione ad unumquemque Vestrum mittenda, patefieri jusserimus; quo nimirum universo fideli Orbi elucescat, Nos proprio Apostolatus muneri nullatenus defuisse. Ceterum non concidamus animo, Venerabiles Fratres, futurum sperantes ut potentissimus Russiarum Imperator et Poloniæ Rex Illustris, pro sua æquitate et excelso quo præstat animo diuturnis Nostris ac subditæ sibi catholicæ gentis votis benevole obsecundet. Hac spe fulti non desistamus interim oculos ac manus in montem, unde veniet auxilium nobis, fidenti cum prece levare, omnipotentem ac pientissimum Deum una simul enixe obsecrantes, ut laboranti jamdudum Ecclesiæ suæ expectatissimam opem quantocius largiatur.

ON THE STUDY OF DIPLOMACY AS A NECESSARY PART OF THE EDUCATION OF A CITIZEN.

THE community of European nations has at various times been threatened by the power of a single state. To guard against such danger there have been established amongst nations, Law, which all recognize as binding; and for the watching over of which every nation has specially constituted a branch of public service. Thereby have dangerous designs in one Cabinet been frustrated; the others having been aroused to watchfulness and then combined in resistance.

The powers that have threatened Europe within the last three centuries have been Austria and France, and it has been chiefly to the sense of justice and to the energy and courage of the British nation, that Europe has been indebted for her deliverance; and it is to these very efforts that she is indebted, not merely for her actual power, but for the strength by which she has been enabled to contend and to triumph.

Europe is at present threatened by a danger not less than any which has presented itself since the commonwealth of nations has been established by the overthrow of the Empire of Charlemagne. It is threatened, actually, not by a Government singly more powerful than any of the rest, but by one comparatively weak, and which therefore can be successful in the designs which it entertains only by deception and by fraud.

Europe is threatened, not so much by an enemy that can injure, as by faculties that deceive; and the danger

* Addressed to the Members of a Roman Catholic College, with some works on the invasion of Central Asia, by British forces.

has to be averted, not by temporal power that can resist and subdue, but by intelligence that can understand and counteract.

Europe formerly was watchful—now it is indifferent—formerly it knew when it was injured, and by whom, now the power that threatens has made itself every where the friend and the ally, and has converted into its instruments its very victims. Russia is at once every where the secret enemy and the avowed friend, the apparent counsellor and the real traitor—she is but one, and she is powerless; her victims are many, and they are powerful. Neither Prussia, nor Austria, nor France, nor England, is the bulwark of Europe's liberties, or the rectifier of her aberrations. No one of these states has presented itself as the rallying point of resistance, has become the source of light or the defence of justice. The many, the powerful, and the assailed, present neither conjoint resistance nor separate opposition; they are severally subdued, and they are then again confederated under her for the advancement of her designs against themselves.

This enemy, while subverting thrones is also engaged in undermining faiths. It is at once a spiritual and temporal foe, and in assailing the bodies of the nations of Europe it has attacked also the faith of men and the rights of the church. More especially and more undisguisedly has its violence been directed against the Church of Rome; and while threatening the temporal supremacy of the Pope, in common with the other potentates of Europe, it has declared war against his spiritual flock throughout the world; supporting Prussian aggression against them in the heart of Germany, promoting disturbances which has injured their condition in Spain, persecuting them in a more undisguised form throughout the Ottoman dominions, subjecting them to the trial of martyrdom throughout the remote regions of the Chinese

empire, and more signally still in Poland, through its own avowed act, violating treaties, distraining property, destroying rights and compelling apostacy by persecution.

The See of Rome, secluded from the contest of political transactions, long enduring of wrong, and disinclined to credit intentions so criminal, and designs so guilty, in the constituted government of one of the great members of the European Confederacy, has at length been compelled to examine into its state, and to see its wrongs and danger, and has at length exposed these wrongs to its flock and to the world, and denounced the common foe of faiths and crowns.

By this denunciation the Bishop of Rome has assumed the defence of Europe and of Christendom; he has taken this trust of public championship upon himself, and for the great powers of Europe by whom it had been abandoned.

By this decision of the Pope it has become a duty imposed upon his spiritual subjects, who are the citizens of the various states of Europe, to understand and thereby to resist the progress of this anti-social conspiracy. This resistance of the Court of Rome to the common enemy of each state of Europe has imposed upon each of his spiritual subjects new duties of citizenship to their respective states, that of watching over the acts of his own government, so as to prevent submission, connivance, co-operation, or collusion with Russia, and to urge, on the contrary, by those means which increased knowledge would give, the separation of each state of Christendom from the meshes of that fatal web of Diplomacy into which Russia has ensnared each government, and by which she has blinded the eyes and enslaved the mind of each citizen of which each community is composed.

If I were addressing myself to your Protestant fellow-subjects, I should have to endeavour to awaken in their minds interest, now wholly extinct, in the action of one

state on another. I should then have to endeavour to shew them that Russia had designs, and was doing things injurious and dangerous to England, and it would only be after succeeding in effecting this great change in them, that the time would come to take counsel as to the means by which the action of this power was to be laid bare and its objects frustrated;—and even when this point, itself almost hopeless, had been attained,—to them would present itself, within the sphere of their own thoughts and organization, only action on the party to which they belong, or the leaders of that party, that is, to those statesmen of England who have already delivered her over to her enemy, and who have themselves become thereby her enemies.

With you it is very different. The Court of Rome has asserted the designs of Russia, and the danger of Europe. It has done so in the most formal and solemn manner. It has shewn that faith is assailed through rights, that churches are pulled down with states. This is declared publicly, in order that the children of that church should know, and this would be needless, unless it were also its desire that they should counteract. They are warned of danger in order that they should take counsel as to how it is to be averted, and in order that they should yield themselves not to its increase.

It is not, therefore, necessary for me to argue with you any of these points. You proceed at once to examine the subject, armed with the interest which it must excite in the breast of any man who has understood so much, and under the sense of duty which commands from such a source impose; and further, you know that your labour will not be lost. What you learn may be of use to those who can make such knowledge useful. You are not alone in the world—each man striving for himself—you belong to a body connected in itself, and powerful in its chief

and you know that the thoughts of your breast are shared equally by thousands and thousands in every state and clime, and that the authority which you revere, and which imposes this task, imposes it equally on your co-religionists in every nation, in every cabinet of Europe.

In the volume which I herewith present, it is proved that the crimes in which England has been engaged in Asia, have originated in the Russian Cabinet, and that they have been planned with a view to advance her general projects of conquest by weakening the power of England in Asia, by overthrowing the law of nations, and by degrading every Englishman, as he is now degraded, to the level of a bandit and a pirate. It is proved that these results have been obtained by treason in the breast of the British Cabinet itself, that is to say, that the means by which Russia—the power which has assailed the Court of Rome—has rendered England her instrument, has not been by force of arms or by some overwhelming necessity, but by crime, which had it been known to but a very few individuals in this land, must have been prevented. Had therefore the Court of Rome (or any other Cabinet) understood the commonest transactions of the diplomacy of Russia, it would have been in a condition to have arrested these crimes at their very origin, and to have saved England from this guilt, degradation, injury and fatal subserviency.

It is a question whether Russia shall have the help of England to subdue the other powers of Europe, and that is to be decided by this—whether or not treason in the English Cabinet shall be successful.

Now, as regards the internal state of England, just consider what it must be if an agent of a foreign and hostile power has been for ten years watching, acting, betraying, sowing the seeds of animosity between factions, corrupting men, frustrating every act beneficial, perverting every measure or every proposal, leading it gradually into

acts injurious at home and abroad, and doing this with the superiority of intelligence and of position derived from such a concert, while the source of all these acts and evils is beyond the reach and the comprehension of all who are engaged, whether as actors or as sufferers.

In the detection of that guilt lies then no less the tranquillity and the honesty of England within, than her security and honour abroad—lies no less the citizenship of England, than the peace of Europe and the world.

And do not believe that this danger is averted because that man is no longer in power. He has placed the affairs of England in this channel, nor can they be rescued from it but by a knowledge of him and of his acts. He has placed the affairs of England in this channel, without the other public men of England understanding that they were so placed. They are, therefore, coming themselves into power, but the prosecutors in ignorance and blindness of that which they have found, and must continue so until the truth is made known. But that man is actually in power, as in opposition he has the faculty of controlling and coercing the government, and he is moreover preparing to come back again to the ostensible direction of affairs, unless, during the present interval, the occasion is taken to unmask him. Certain details of direct collusion are for the moment suspended. But what is this as compared to the committing of his antagonists, in whom alone means and hopes of resistance rested, in the prosecution of the same course, and in the responsibility for the past. And finally this climax of danger is arrived at—that an attempt being made to inquire into his conduct, his opponents positively stand forward to be his shield and his defence! The whole leading men of the state are thus no longer concurrents by connivance, but co-operators by intention in measures recognized by themselves to be both criminal and injurious. It is

requisite, therefore, that the as yet unadmitted character of the crime; namely, that of collusion with Russia, should be brought into evidence, and established and proceeded against before either the spell with which his crime has bound the public men of England can be broken, or the command which Russia possesses through that crime over him and them can be destroyed. This spell and that command must be broken before England ceases to be the aid and help by which Russia shall subjugate the other States of Europe through England, and England through them.

If that which I assert is true, the means of resisting Russia on the part of Rome depends only on the knowledge by the Cabinet of Rome and its subjects, of those proceedings of Russia in secret, and which without secrecy would be impracticable.

The power of Russia advances by deception. She is weaker than each of the separate states which she has circumvented and which she uses. The deception by which she succeeds is therefore practised equally upon prince and peasant, upon monarch and subject, upon governor and governed. It is an intellectual power, and can be coped with only intellectually, and assailing as she does faiths and constitutions, the knowledge of her designs and of her means must unite the faith and the allegiance of men to resist her. She proceeds, indeed, by corrupting ministers, but corrupt ministers could not help her, save when nations have lost the sense of justice, and therefore suffer Ministers to lead them to commit crimes. He who resists the power of Russia, must, therefore, teach justice as well as wisdom, and had there been no wisdom in Europe, but had honesty still subsisted, there could be no danger from her ambition, and nothing to be dreaded from her instruments. Whoever, therefore, resists Russia, or whoever is capable of the thought of re-

sisting her, must first become an honest man, as on the other hand there can be no friend, instrument, or ally of Russia in whom are not alike extinguished the character of citizenship and of honesty.

If, then, the Court of St. Petersburg had not manifestly assailed the Court of Rome, the Court of Rome could not have performed its spiritual functions, unless by abhorrence and detestation of the Court of St. Petersburg, or of any Cabinet that stood in the degrading and sinful position of alliance with it.

In former days, when the feudal barons and governments trampled upon the rights of men in each separate state of Christendom, the Bishop of Rome interposed a saving shield, and by controlling the consciences of men in forbidding them to become the instruments of injustice did he deprive lawlessness of power, curb despotism, and prevent war. Thence arose the Canon Law and International Law, of which the Sovereign Pontiff was the source, and for ages continued to be the executor. Hence sprung the power of the church, because by imposing these obligations and restraints upon some, it gave peace and security to all.

Europe calls now for such help and implores such protection.

The See of Rome, when it did these great things, was itself without temporal power—it gained power by doing them—it was then itself assailed by no foe, but it constituted its foe, whoever was the foe of justice; it sought for and grappled with that foe in each separate district of Christendom, it subdued them all, it worked out its own strength and dignity from that very struggle.

How different at the present moment. That church is now powerful in itself—it is powerful in each—pre-eminent in some of the states of Europe—it is powerful in the very camp of its enemy. That church is now itself

assailed, and assailed by an assault so vehement, that there is no alternative between victory and destruction.

In the now patent struggle between the Russian cabinet and the Eastern church on the one side, and the Sovereign of Rome and the Western church on the other, the issue must depend on the withdrawing of England from the hands of Russia, and of restoring her to herself. England's political men are engaged in internal squabbles, while one man places her strength at Russia's disposal for the conquest of the world. Her Protestant children heed neither guilt in the state nor danger. You have hitherto shared in their heedlessness, but are now called by your Pontiff to nobler duties; and if you will but listen to his voice, in doing your duty to him, you will save your country.

D. URQUHART.

April, 1843.

EFFECT OF WORDS OF THE CHARACTER OF MEN, AND THE FATE OF NATIONS.

A NEW habit has been introduced amongst the nations of modern Europe, that of converting into a phantom whatever they see, and this they call "*accounting*" for things. Something strikes an observer in a foreign land ; something remarkable in times gone by is recalled and represented ; something at home is seen and dwelt upon, and then immediately it is "accounted for." As soon as accounted for it is discarded as worthless. This is done by the simple process of uttering a general proposition. If any one discovers that that affliction of modern times, and specially of England.—Pauperism, had no existence in ancient times, and is therefore a peculiarity of England which has to be understood and may be cured, his anxiety is set at rest as follows:—"Pauperism is a necessary concomitant of civilization." If the warm and generous reception of the stranger in Eastern lands is felt by any, and he remarks it to his fellow-citizens, it is immediately accounted for—"Hospitality is an effect of barbarism."

To know that the blot of Pauperism was not a necessary condition of humanity would, but for this sentence, suggest the effort to comprehend whence it springs, and to find the remedy ; but satisfied with a reason which is no reason, we drop the subject, or what is worse, fall into its details and its statistics, and give to negligence the fence

of figures, and the mask of science. The sight of Hospitality exercised by Eastern nations would likewise, without such verbal interpretation, be a thing to warm the heart, to draw forth its affections towards our fellow-creatures, and to encourage similar dispositions in ourselves. The phantom Civilization or Barbarism interposes, and the moral benefits of the last, the political instruction of the first, are irrevocably lost.

It is no effort of the Reason that is required to utter such sounds,—it is but a mechanical operation of the organs of Speech. We are all conscious that the brain reacts upon itself, that error reproduces itself, and that by the misuse of faculties these are destroyed. But when the habit of uttering general propositions, including in them the names of fanciful beings, has taken possession of a man, his thoughts become the mere domain of Chance, his conclusions necessarily erroneous, and his brain is left at the mercy of the accidental movements of his lips.

Civilization and Barbarism are abstract existences, composed out of things observed; they are not terms applied to agencies at work producing results: yet unless they were so, they are valueless as accounting for results. The character of Civilization is given by the speaker to a certain state. That character is discovered in the acts, and cannot therefore be given as accounting for them. An abstract being may, in like manner, be made out of England, which may be called Englandism, but as this word

is not yet used, those who account for the absence of Pauperism by Barbarism, would perceive the absurdity of accounting for the war in Asia by Englandism. By such vain words are facts destroyed, and all living agency effaced in human events, and men and nations, accustomed thus to use their tongues, look on their own acts as changes of the seasons, fixed by laws above their control,—they are vicissitudes that cannot be prevented, or disasters that cannot be foreseen.

Similar in its effects is the fallacy of speaking of the Childhood, the Manhood, and the Old Age of nations, by which we unconsciously refer its good conduct to natural growth, and its bad conduct to inevitable decline. Would any man talk in this manner of the concerns of a mercantile house? Who would refer to the condition of infancy its growth, or to the necessity of decay its bankruptcy? If mercantile men conceived their profits arose, or that failure was incurred by a law of nature, soon would there be an end of the care and industry by which they know that they can alone succeed; but the negligence and ignorance which entail ruin must have been complete before such a proposition could be uttered. General propositions cannot be uttered regarding things that are understood. General propositions are the refuge of ignorance from study, or of guilt from scrutiny. We do not deal in general propositions in respect to mercantile concerns, because we understand their management. If we deal in such propositions regarding national

concerns it is because we have ceased to understand them.

The periods of old age, manhood, and infancy, belong to a live animal ; it is born into the world without its knowledge ; its increase is not of its will ; its organs and its powers are not of its own making ; its decay no care can prevent, and its dissolution no power avert.

The aggregation of men which chooses to recognize itself as one nation, exists by its will, its functions are adjusted by itself, its fortune is the result of its own deserts, and its dissolution is brought by its acts only, and comes, not because the men die in their bodies, but because the requisite care and attention is not by them given to the performance of their duties.

The childhood of a man is ignorant and helpless—the early period of a nation is energetic and cognizant. The last years of a man, breaking through age, are feeble and sluggish, seeking only repose, contemptuous of the present, and living only in recollections of the past—the last years of a nation present vehement agitation and contention ; it lives only in the present, and is forgetful and contemptuous of all that has preceded it.

The infancy and old age of nations have then characters exactly the reverse of the same periods of individuals. How then can things so plain and so contradictory be confounded. The confusion is grasped at as an excuse. To compare the infancy and the decline of a nation to that of a man, is to

imply the necessity of its growth and the inevitableness of its decay ; that means that it is not the virtues of our " ignorant fathers " that built up the state—therefore it is not the vices of degenerate sons that pull it down. Not yet so sunk in intelligence, as in morality, they endeavour, by the adoption of a pleasing fallacy, to obtain repose, not by the performance of their duty, but by the quelling of their conscience.

Pascal declares that the performance of every duty, civil and religious, depends upon the accuracy of the terms we use.* This is to say, that all things, human and divine, being taught by speech, are known to us only in speech ; therefore, the knowledge of all things depending upon the accuracy of the symbols which we use, our first of duties must be to see that these are simple and true, and while this duty is not performed, every step is taken in darkness, every judgment in error, and every effort not directed to this end is injurious to the mind itself. The Jansenist prelate asserts the importance of this duty, not for the purpose of impressing it upon others, but rather to shew, if we may connect his special words with the doctrines of his sect, that error is so deeply imbedded in our souls, as being

* Sir Graves Houghton, in his " Prodrômus," (a work in which, by the assistance of Brahminical philosophy and Sanscrit terminology, a modern European is exhibited endeavouring to clamber by words out of the sphere of words,) makes a remarkable statement. He says, that he is conscious that he is subdued by the words he uses, but that in each particular case it requires a great effort to see how it is so.

constituent parts of the very words which we have taken in with our mother's milk, that to eradicate it is hopeless, and therefore resignation to it is dutiful, and to attempt to establish distinct lines between right and wrong—an absurdity or a pretence.

The Scripture tells us that it is not that which goeth forth from a man that defiles him.—His *first* defilement is, therefore, from that which goeth forth, for if already defiled, he would not be to be defiled.—This defilement lies not in his will, for then would he be already filthy. Here then must be something proceeding from a man not yet impure which returns on himself to pollute him.

Who can interpret these words?

Ask the teachers of the land what this sentence means, and they will explain it by saying it is a slander or it is a falsehood—it is evil that the tongue does acting upon others. And this explanation is received, because they see no other. A man can only speak as he knows, and he can only read what he already knows in the words that are written. But how can the stream defile its source? An impure source is not to be defiled by its own stream. If false and lying words proceed from the lips, the man is already defiled. These are but the external symbols of the internal wickedness; and, before falsehood could have passed the lips, the man must have been altogether a lie within. This then is not the meaning of Christ. And this defilement cannot be comprehended by those who are so defiled. His words ascend to the causes of that darkening of

the understanding which brings sin,—they refer not to things done wilfully, but to that which misleads the will; they point to the mist raised by the breath which abuses the mind of its sight, and sends the man forth a wandering, blind, and hopeless thing; he has covered the eye-ball of his mind with a veil of words, just as if he had placed his hands, the ministers of his will, before his eyes, to shut out the light of day.

Against conscious sin there is not only the struggle of the conscience but the denunciation of punishment and of vengeance. But it is the task of the instructor to struggle with the commencement of evil. Here denunciation is of no avail, for conscience is asleep; here the labour is of exposition, and the method is by appealing to man's own use of his judgment, where its functions are duly performed. Thus can alone the fact, the cause, and the cure of error be made clean. It is by taking his habits of reasoning where he is right, (and which have never been observed by him) and contrasting them, as in a mirror, with the process he has followed where he has erred. This is all that we can do, and the utmost that we can attempt, for what resource have we against error or sin, except in the man himself? This is what Christ has taught us to do—this is what He has done Himself, when He reproves the Pharisee for not succeeding in one mental operation when he had succeeded in another. They could not read the signs of the times, they *could* discern the face of the sky!

But while the loftiest lesson is here given for our instruction, a most awful warning is proclaimed against that which we are unconscious of as being a crime. Just as the Pharisee of Judea was, so is the Christian of England. He can discern small matters, but abstains from looking into grave ones—the same powerlessness of judgment, same disregard of times, and their signs, same and far blacker guilt than those signs that are disregarded. Must not the judgments hold then in like manner upon the *man* and upon the state? That judgment the last penalty for the one and of the other, eternal and temporal.

But these men smile at the idea of connecting with a mode of expression, “duty,” or “sin,” or “punishment.” They say, “If you examine our words—if you are captious about terms, you must give us a new dictionary.” They say “Our terms are intelligible, and that is enough; they are what every one uses, and what more can we want?”

Language is a source of original as well as of representative error, whenever it is itself accidentally corrupted by the introduction of foreign words. Listen to any argumentation between men in this country, and withdraw from them their terms of Latin and Greek origin, and you will withdraw from them the grounds of their dispute. Translate the exposition on the one side, and the reply upon the other into Anglo-Saxon—replace personifications by the *verb*, and they will then find it perhaps not easy to disagree. An error may

be the result of a fallacy introduced yesterday, or of an erroneous expression introduced into our language a thousand years ago. At each period the terms in use are accepted by the child that learns to speak before a conscious mental operation is performed, and after terms have become habitual in him, no further mental operation is in his power, except as flowing from and dependent upon such terms.

In the early, simple, and virtuous periods, nothing was more sacred than the sounds which were articulated by the lips of man; it was in speech that lay his dignity and his manhood; the most solemn of all things was his word, and words then were reverently dealt with and sparingly used. Words, now the masters of men, were then the ministers of his will.*

As error arises, it is reproduced in language, and the tongue of the nation represents and perpetuates it. The child brings into the world the disposition qualifying him to belong to the best and noblest times. He is taught to be such as the men are when he comes upon the earth. The teaching he receives is not a conscious teaching. The child is as the simple man. We connect the idea of simplicity with integrity—we could not connect simplicity with fallacies, even those we are accustomed to, no more than we could connect it with

* In the Slavian languages, "language" is synonymous with "glory." The Greek and Latin present remarkable couplings of the ideas of "word" with justice and glory—Dico, Δικη—Lex, Λογος—Fama, φημι.

superfluity of speech. Instruct the simple man in the verbal superfluity of the times, and the qualities we admire in him would disappear. He would be like us. And so the child. The young generation as it arises has thus transferred to it the contamination of the adult generation, and thus are the sins of the fathers accumulated upon the children. These children will not be punished because their fathers have erred, but they will be punished for the sin in which they have been instructed, and of which the worst and hopeless feature is, that it is as unconsciously taught as it is unconsciously accepted.*

It is speech that constitutes a nation—it is the fabric of its corporate existence—it is the stream of its existence, and links together in its change the first and latter days of a race, itself effecting that change, leading them to greatness, or bringing them to death. The soul of man is, in his words; the fate of a nation in its sentences. That soul is defiled if its lips give utterance to words that confuse its own understanding; that people is debased if fallacies are spread by the organ peculiar to man, and appropriated to the service of reason. A just thought may build up a nation—faulty language must destroy it. There may be error in a sentence—there may be a thousand in a

* There is no man brought to the gallows who is not deplored as being unfortunate, because he has been ill-taught and led away. That does not alter the commandments of Heaven, or the laws of man.

word. The error included in a sentence may be corrected by an effort lying within the range of the existing ideas; the fallacies included in words cannot be so corrected. No power of reaching them lies in the people formed of them until pointed out, no more than a peculiar accent or odour could be detected by the organs which had been continuously subjected thereto. The injury lies not in the result but in the process, because when the process is perverted, it becomes impossible to be right. The appeal then is from opinion subordinate to words to judgment which is above them, otherwise speech would be given in vain, and the judgments pronounced on the nation for national sin, that is for unconscious transgression through sufferance, would not be just.

Let us illustrate this position by reference to the fallacy that we have been recently examining. We have seen that there is no certain growth, no law of existence for a nation, no finite dimensions for its limbs, nor limited epoch for its life, and yet by a merely habitual sentence, we personify our nation to ourselves, as a living animal, destined to grow and condemned to perish. This personification is not an infraction of any law—yet it brings the violation of all law, as a consequence of its not being seen to be a fallacy; it destroys in each man who utters or accepts it all appreciation of his people's character and conduct; it shuts out from his own conscience the sense of his own responsibility and that of all his fellow citizens, and it

debars him, if he is consistent with himself, from the reflections the most elevating as well as the most solemn, the most necessary as well as the most attractive for the man who loves his country, or desires to perform his duties.

A true citizen knows the state only in his own breast—sinking in his failings, and flourishing in his good qualities, and nothing can tend more to recover that lost sense than by reflecting on the rise and fall of states, and connecting therewith their cause—the character of the men.

What a rare occurrence is the rise of a state. For many thousand years the earth has been inhabited ; many hundreds of millions of human beings live upon it at each moment, and are rapidly substituted in generation for generation. Amongst these myriads of millions how many have arisen to sway, to mould the minds of their fellow-citizens, and to create nations by instituting laws. It is by units* that such gifted beings are to be counted ? Look again from East to West, and from North to South, and search over the annals of times, and see how many nations there are who in reference to subsequent expansion, may be said to have had a childhood. Again, will you have to count by units ! And how strangely diverse are these pre-eminent nations in character. For instance,

* The numbers belonging to one system do not constitute so many different incidents—the Chinese are hundreds of millions. The Chinese have endured for thousands of years—their state however numerous, however permanent is but one thought.

the Hindoos, Romans, Anglo-Saxons, Moguls, Chinese, Peruvians, Russians. The Roman just, the Mogul ferocious, the Chinese meek, the Hindoo obedient, the Anglo-Saxon rapacious, the Russian insatiable, and all great. Some governed by a monarch—some by a republic—some by an oligarchy—some by a priesthood—each most diversified form of government, beside each most diversified character of man. It is not then courage or cowardice—it is not honesty or villany—it is nothing in fact of the things we speak of as constituting *individual character*, that is the cause, of a nation's rise ; neither is it the form of government—since nations have arisen equally under every form. The characters which raise and preserve a state, are knowledge of its business, care for its interests—the sense of responsibility of each for each, and of each for the state. The Roman, the Hindu, &c. is different in the way that animals differ which belong to distinct genera. Their differences too were no more known to themselves or each other than the differences of animals. In the age of activity and of progress, when the causes of their greatness were chiefly in operation, did any one of these people explain what he was or endeavour to interpret the causes of his advancement? No—words are only used after the thing has expired—after the spirit has itself declined. The classical age is the age preceding decay, when words come in—the symptom and the aggravation of the disease. Man can know only what HE IS, and he

observes what he is only by comparison with dissimilar things. The character of a nation is universal, otherwise it would not be that of the nation, and being universal it cannot be observed. It is not the Englishman that can describe or understand the Russian. He must be a Russian as well as an Englishman before he can know anything of the one or the other. The first of knowledge in this respect is to know that we can know nothing. To know this, is to abstain from metaphysical dogmatism. But that which pertains to his own duties requires from the honest man no reasoning on human character, he has only to understand the business in which *his own people is engaged*, and this every man does who can distinguish right from wrong.* When these are clear to him, then has he the key to each transaction that he looks upon, and then understanding affairs he can understand the actors in all that it is his business to know them, as enemies to oppose, or as allies to support. Whoever then indulges in vague speculations regarding character, where he has solely to deal with strict matters of justice and business, is no longer a citizen, any more than a man who utters general propositions regarding the transactions of a mercantile house (such as designating a mistake of figures as a concomitant of clerk-hood) could be called a man of business.†

* See the first dialogue of Socrates with Alcibiades, where the science of government and the knowledge of justice are shewn to be one and the same thing.

† The centralization of power within—secrecy in respect to the great concerns of every nation called diplomatic;—

A nation can recover only by removing the cause of decay—GENERAL PROPOSITIONS. Remove them and then of necessity each man as Christian and citizen, applies himself to inquire into the laws laid down for his guidance, by them he interprets, rates, and judges the past acts of his community; by them traces the line it shall henceforward follow. Then comes knowledge, the builder of states, then affection for the commonwealth, because its concerns are understood, and the inducements to labour both because of light and love.

Past times exhibit (and even the present are not without examples*) what great things small strength can do in a just cause, and what tremendous power is unavailing to effect the smallest purposes, when it is opposed by upright and able men. Individuals may fail when they deserve to succeed, and suffer when they are blameless; but nations ever meet with their deserts. For a great number of men congregated together so as to constitute a nation, no human strength can put down, if they are worthy; and however great they may be, no power of theirs can sustain them, if they are not.

But we do not say worthy in an absolute sense. Nations have long flourished in injustice, but then the multiplication of internal laws,—the overthrow of all law in international conduct, have extinguished knowledge in modern Europe, and therefore integrity. This is the simple consequence of our political condition, independently of the habits of speaking and writing on subjects not understood. The result is chaos, not because order has not come, but because it has passed away.

* *E. g.* Circassia, Serbia.

they have possessed capacity. In their capacity they have been greater, or in their injustice they have been less, than their competitors or compeers. Who would suppose that a foolish man, because he was honest would succeed? But there is no integrity where there is not capacity. The upright man must qualify himself in mind and knowledge for the performance of his duties.

A young Athenian said to Phocion, "How can you be right in saying it is justice that builds up states, since Athens itself is a great state and has been often unjust?" Phocion replied, "If you find that those against whom Athens had to struggle were still less just than she, do you not find in the greatness of Athens the best of testimonies to the value of justice?"

It seems strange to have to tell men any thing so simple and self-evident, that it is on them that depends the condition of their country; but truth is always simple, and has no value whatever in itself.

While an obscure and contemptible metaphor shuts out all sense of guilt and responsibility from the speaking being by whom it is uttered, it shuts out every thought of honourable effort; while extinguishing the spiritual life, it takes all earthly reward from virtue all glory from honour—greatness from fortune.

He who refers human events and their consequences to such changes as are brought about by the mere course of years in the individual, denies

his own existence as a reasoning being, absolves himself from all duties. It is not merely to renounce ourselves, but it is to forswear our God—it is to deny the decrees of a just Providence, and it is to set up the idol Chance—for who has duties if events follow in an undeviating course, and who can be vigilant, if his acts, that is to say, the aggregate acts of the nation to which he belongs, and the consequences of these acts, are not the result of his thoughts and conduct?

Supposing a great public delinquent brought before the bar of National justice, charged with having brought injury and loss, or having entailed ruin—charged with breaking the law to inflict this injury, and deceiving the people whom he had injured and betrayed—would that Minister be justified in alleging that these things which were charged against him *as crimes* were simply the decay of a state which come of old age? But a nation that admitted such a fallacy into its common speech will never have the opportunity of seeing thus presented to it the absurdity of its own propositions, because men must have lost the sense of their own duties too completely, to call a great criminal to account. How should they, no longer seeing the agency of man in what they endure? But, indeed, crime against the state no longer can be perpetrated, for the state is extinct when its most sacred laws can be violated, and by its highest functionaries, and we may be involved in bloodshed, rapine, and every crime most abhor-

rent to men, and hitherto to Britons, by those to whom power is given only to do justice.

We have seen many nations perish without there having been recorded of them, in their worst periods, fallacies so dangerous and corrupting as these. The picture of declining ages has been presented to us by powerful hands. Through two and three thousand years we select for our veneration the men who have accurately judged, as results have shewn, the character of their people,—who, in the midst of presumption, have denounced danger, and in the face of power have reproved sin and corruption. We have, then, this instruction and these warnings for ourselves, coming with an authority which they could not possess with the contemporaries to whom they were addressed. These great men referred to no ideal causes of guilt and danger,—they saw both solely in the character of their fellow-citizens; and a word from them is never uttered that is not directed home to each man. “You,” each of you do so and so,—“You Romans!” “you Athenians shame the name of your fathers.” “*You* are not just men,”—“*you* respect not what is just,”—“*you* are attached to your factions and not to your country,”—“*you* have lost knowledge of affairs.”—“We have lost the true names of things.” The men who uttered such words were a Tacitus, or a Demosthenes, or a Cato, or a Thucydides. As these words were uttered, so were they accepted. Base and degenerate as the people might be, it felt that the words applied to

themselves. It did not turn them off and direct them upon an abstraction. It neither put the crime of some, nor the sins of all, upon the name that belonged to a faction, or on a general designation applicable to any and every spot of the universe, such as "civilization" or "progress" or "reform" or the like. And therefore was it that these words did find entrance into the heart and spirit of some, and did retard in some degree the downward course of events, of sense, of manners, and of morals.

But the modern will say, "Nowadays we are more advanced; they narrowed their sympathies to the spot—we extend them to the human race; they were vindictive and blood-thirsty—we are benevolent and unsuspicious. If we efface the individual it is to obtain the unity of the state. If we lose sight of the part, we absorb it in the personification of the whole." Yes, you do make progress, you have advanced in knowledge, leaving wisdom behind; you have overwhelmed business with words; in the fictitious representation of a community you have lost man; in your freedom you have forgotten law; in your religion, justice; in your dogmas has fidelity disappeared; and in your civilization—conscience, integrity, devotedness and patriotism. It is not the will to destroy the law, to overthrow the constitution, to substitute faction for patriotism, sin for duty; and because there is in you no desire to sin or to err you hold yourselves innocent and right. So did your prototypes who set up a golden calf. That idol could at

least be broken. But the Greek or the Roman could personify as well as the Englishman ; but he did not substitute the shadow for the reality. His image was for the imagination only. He placed it before him as a beacon ; he raised it as a standard to excite to noble sacrifice and generous deed. It was not an artificial being let loose on his fancy, and poured forth in his language, which he invested with the power of acting on him and for him. Civilization was never nominative of a verb in Greek or Latin. Democracy never did anything in a man of Athens or of Rome.

No symbol was supposed by him to control the will of man, or was offered by him as a victim, to bear the penalty of his crimes. They did not bewilder their intelligence or entrance their conscience by declaring themselves irresponsible, or by placing the duty of answering for them on a fiction of their own creating. In the superstition of the Greek, even were there added restraints on man. Religious idolatry was used to fix his responsibility to and for the commonwealth. The Christianity of the modern Briton absolves from such ties, it is a dispensing Charter to sanction, because they are Christians, what they would execrate and abhor if committed by infidels and Pagans.

Neither the presumptuous Atheniam nor the debased Roman, conceived himself the one in his authority or the other in his helplessness, discharged from the national partnership. Now we have an awful sight. *There is around us a people,*

powerful and free, learned and religious, which commits atrocious crimes by the hands of its Government.

EACH INDIVIDUAL DENIES HIS SHARE OF GUILT.

Each says "I am nothing,—the Governors have done this;" and each man saying this, has no thought of punishing those whom he declares guilty, or of holding those by law responsible, for that which, taking off his own, he lays on their shoulders.

This is what happens when they admit guilt, but they generally deny it or excuse it by saying, we have always been as bad. As one of the historians of Rome said of his people,—“it matters not whether they are right, or whether they are wrong.” So in this heartless generation it matters not, whether they deny or admit, that this or that is wrong or sinful.

This alas is not the character of one solitary country, it is that of an age. The mass of human beings actually living in Europe, are engaged in incessant and continuous activity, throwing off words and enacting laws. What passes within them is that which belongs not to them, it is troubled waters poured from one vessel to another. The unit of the state—requiring many of such to form the state,—has every where disappeared. The man where is he, you can see him nowhere, touch him nowhere. How then can you address him? Speak to one of these human maskers, and he will tell you to direct your reproaches to the phantom state; ah! if you had propositions or theories, he would then listen to you. They would suit his

existence, they would belong to his condition. But if you use language for that purpose for which it is chiefly intended ; if you speak of real things—declare error—denounce guilt—expose danger—exhibit acts of men which the laws forbid, and which by punishing they are ordained to prevent ; he will answer, “ talk not to me of those things ? I am a shadow, I am absorbed. I belong to a non-entity, a principle. I am a whig, or a tory, or a liberal, or a conservative.” He does not say I see or I do—but I *am*—something else than self—that something being a *manner* of seeing, thinking, acting. Should such a being admit that what you shew him are evils or wrongs, it will only be to exclaim :—“ Democracy or papacy, is greater evil—help me to put down my enemy—principle—and then I will attend to you. National crime, ministerial delinquency, murder, devastation, treason, what are these ? I am occupied with Church extension, infant schools, putting an end to capital punishment, or to flogging, with paper currency, with repeal, with poor laws. I am fighting the battles of the constitution with registration ”—and so on, man for man—each has a special business or a special doctrine, that absorbs his care and closes his eyes ; or he says every thing is base and worthless, I heed it not.* Doctrines and opinions have extinguished

* The following is a specimen of the replies made to the earnest entreaties and appeals of the few men in England who sorrow over the state, and therefore labour.

“ You are fortunate in having the inclination and the

judgment, much labour is given to fragments, and none attend to those things which are pre-eminently needful.

The period of decline, as known by past events handed down by cotemporary observers, has always been one in which man thinks only for himself—the state is the least of all things, and any thing is great that is compared with it. See and consider whether this be not the character of decline and its causes—and whether every one of such a people merits not the reward which we are told awaits them—see then whether these characters be ours or not. If any man sees that they are his and his people's, then surely will he shake himself free from the thoughts around him, and make efforts to escape from them. If he makes the effort he will find the way.

Every state is united together for a purpose, the conduct of its affairs. If they are mismanaged, the people is thereby corrupted in heart and intelligence, as well as injured in circumstances; for unless the chief business is properly conducted, all else must perish, and then the faculties of each becoming progressively confused, new sources of error

time to devote to political matters, but I am so situated that my own immediate affairs engross all my time and attention. I am not disposed to take any interest in politics, for the course pursued by the public men in this country during the last few years, has been so void of principle, (being disposed to sacrifice every thing to party,) that I have become utterly disgusted, and have come to the conclusion that it is almost impossible to be a public man and an honest man. I am willing, therefore, to let things take their course, without any interference on my part."

are continually opened. There can be no escape from the consequences, except in the rectification of the cause—no man can be brought back to honesty or faith until he has by knowledge escaped from confusion, and this effort he will, at that period of decay where we stand, be induced to make, only after he has learnt from reflection—from the study of the signs of the times, or the warnings of inspired writing—that he is *member of a community*, that as such he is responsible for its acts, and will in this world and the next be punished for its crimes.

THE ENGLISH CONSTITUTION.

No. I.

[BACON, in his day, told his contemporaries to take their stand on *the old ways of the Constitution*. These old ways are its laws; these are the foundation of every State. Law is indeed only made because of error; but it is enacted to prevent alike the effects and the growth of error. At the period of their enactment laws are of no value, as they represent existing thoughts only; but afterwards, when the nation has further departed from its original, or when it has fallen into the habit of neglecting and not executing the laws it has, then, indeed, do these very neglected and despised enactments and records become of the deepest importance, as preserving a latent, sanatory power, capable of being called into action when there arise living men to testify of them, to appeal to them, and to interpret them to their fellow-citizens, by shewing their application to the acts and condition of the community.

At the present day, the greatest of public affairs are looked upon as not being subject to such laws as still regulate private transactions. At the present day, the men to whom is confided the management of the nation are released from the necessity of obeying the law that the humblest are bound by in respect to private acts. Thus has all judgment been confounded, and the land is darkened with opinions; to every object we transfer the mist that is within the eye. We see in former times, not what they were, but the reflection of our own thoughts; and despise those laws and traditions, by respect for which, so

long as it endures, descending nations are restrained in their downward course.

This Periodical is established chiefly to bear witness to there being a law to be observed in National transactions; to shew that affairs cannot be conducted in contempt of law without injury, and that every man is guilty, who,—as actor or sufferer, as Cabinet or as Sovereign and Nation,—does not reduce every question to one of right or wrong. In pursuing this task, as applied to passing events, the obligation is imposed upon us, of endeavouring,—as by the series of articles on the Constitution we now endeavour,—to explore the source whence are sprung the customs and ordinances of this State, in the position that belongs to them of authority and veneration.]

THE Constitution of England is in its Law. That Law is of two kinds,—the written and the unwritten. Acts of Parliament constitute the first of these,—Custom, or Common Law, the last.

The first Act of Parliament, properly so called, was the great Charter of Henry the Third, which that Prince confirmed in a Parliament holden in the ninth year of his reign. It differed, in some unimportant particulars only, from Magna Carta of Runnimeade;—that famous recognition of England's unwritten laws, which Henry's father and predecessor, King John, had granted to the prelates, barons, and commonalty of England, at the sword's point.

Thus, before 1223, when Parliamentary enactments began, the only law known in England was the Common Law or Custom of the Realm. Since

that period, England has retained so much of her Common Law as has been left unaltered by her parliaments. The Common Law has supremacy over Statute Law, (that is to say, over law made by parliaments.) No enactment is valid, or capable of being enforced, if in derogation to fundamental traditions or doctrines.

"The Law of Reason," says St. Germain,* "runneth with every man's law, and also with the Law of God, as to the deeds of man, and must be also kept and observed; and shall always declare what ought to follow upon the general rules of the Law of Man; *and shall restrain them, if there be anything contrary unto it.*" "If any General Custom were directly contrary against the Law of God, or if any statute were made directly against it, as if it were ordered that no *alms* should be given, for no necessity, —*the Statute and Custom were void.*"

"The Parliament," according to Lord Coke,† "cannot take away that protection which the Law of Nature giveth unto a man. And, therefore, notwithstanding by the statute of 25 Ed. 3. c. 22, a man, attainted in a *Præmunire*, is, by express words out of the king's protection; generally the king may protect and pardon him."

On the other hand, he mentions a case where it was held,—

"Against the express purview of an Act against sheriffs serving (the king) for more than a year, (passed in the reign of Henry the Sixth,) by which the king's dispensing power was in express words taken away; that the king might specially dispense with the act, for that the act

Doctor and Student. 1st Dialogue, Chapters 2, 16,
pp. 7, 15.

† 7th Report. p. 14.

could not bar the king of the service of his subject, which the Law of Nature did give unto him.” “No act,” he repeats in another place,* “can bind the king from any Prerogative, which is sole and inseparable to his person ; as a sovereign power to command any of his subjects to serve him, *for the public weal*. And this, solely and inseparably, is annexed to his person. And this Royal Power cannot be restrained by any Act of Parliament, neither *in thesi*, nor in *hypothesi* ;—for upon Commandment of the King and obedience of the subject doth his Government consist.”

Elsewhere, his Lordship, almost in the words of St. Germain, asserts the supremacy of traditionary over Statute Law, as the ground-work of this doctrine. His language is remarkably strong.†

“In many cases the Common Law will control acts of parliament, and sometimes adjudge them to be utterly void. *For, when an act of Parliament is against Common Right and Reason, or repugnant, or impossible to be performed, the Common Law will contradict, and adjudge such act to be void.*”

A proposition, which was warmly eulogised in modern times, by Lord Holt, the Chief Justice of England, under King William the Third.

“It is a very reasonable and true saying,” he observes,‡ “that if an Act of Parliament should ordain that the same person should be Party and Judge, *it would be a void Act of Parliament. An Act of Parliament can do no wrong*, though it may do several things that look pretty odd. But it cannot make one, that lives under a Government, Judge and Party. It may not make adultery lawful,” &c.

* 12th Report. p. 18. † 8th Rep. p. 18.

‡ 12th Modern Report. p. 687.

So, too, a few years before that period, it had been said by Lord Hobart:—*

“That an Act of Parliament may be void from its first creation, as an act against natural equity; for ‘*Jura naturæ sunt immutabilia—sunt leges legum.*’”

Finally those statutes have the most weight, which are merely declaratory of the Common Law. A Declaratory Statute is said to partake of the same nature with a judicial decision. It is a solemn interpretation by parliament, that highest court of public justice. Thereby it defines and promulgates that which is the Law. It does not change it.

Thus, in tracing the History of the English Constitution from its earliest days to the present, the importance of the Common, or Customary, Law claims for itself the first and greatest share of notice. Unwritten at their commencement, and in many instances remaining unwritten to the end, we cannot expect to find positive proofs of the dates at which the customs respectively began. It is enough to know that they existed. If we find them, at any time, in full and general operation, influencing the actions and controlling the events in which they took part, we may be sure that they had already obtained the force of law; in the absence of parchments recording the fact. Thus, there can be no doubt, as a great jurist† has well remarked, that, in

* Hob. Report. p. 87.

† Sir Francis Palgrave's History of the English Commonwealth, &c. vol. i. p. 58.

the Anglo-Saxon times, the rules of inheritance were well established and defined.

"Yet," he says, "we have not a single law, and hardly a single document, from which the course of the descent of land can be inferred. Being regulations adapted to existing institutions, the Anglo-Saxon statutes are concise and technical,—*Alluding to the law*, which was then living and in vigour, rather than *Defining it* ! Consequently, the appearance of a law, seemingly for the first time, is by no means to be considered as a proof, that the matter which it contains is new. No period or era can be defined : we can neither affirm nor deny. Positive proof cannot be obtained of the commencement of any institution, because the first Written Law relating to it may, possibly, be merely confirmatory or declaratory. Neither can the non-existence of any institution be inferred from the absence of direct evidence. Written laws were modified and controlled by Customs, of which no trace can be discovered, until after the lapse of centuries ; although those usages must have been in constant vigour during the long interval of silence. Many questions, of great importance in our present form of government, can only be decided by reference to laws or usages, which have prevailed since the time 'whereof the memory of man runneth not to the contrary ;' and the Constitution of Parliament itself may depend upon the exposition of the most obsolete passages in the laws of a Knut or an Edgar."

The Common Law of England is, indeed, partly to be found in those old codes and charters, and in other such, of various shades of antiquity. But, although found there, it was not there that it originated. In the language of venerable authorities on the English Constitution, the Foundations of

the Common Law are Five. 1. The Law of Nature and Reason. 2. The Divine Law. 3. General Customs. 4. General Principles and Maxims. 5. Particular or Local Customs.* According to another authority, cited by Lord Chief Baron Comyn,† it was called the Common Law, because the Code of Laws, collected by Edward the Confessor,—out of the Laws before used in the several Provinces during the Heptarchy (or rather Octarchy),—“ was *common* to the whole Realm. If it be “ applied to criminal cases, it is called the *Common Law*. If applied to the affairs of the “ King, it is termed the *Prerogative Law*. If to “ matters within the Forest, it is termed *Lex* “ *Forestæ*. If to Trade or Commerce, it is called “ *Lex Mercatoria*. If to customs of particular “ places, the name varies according to the place.” Yet, in all these cases, it is the same Common Law.

But, inasmuch as most of these primordial rights, these political Institutions, these local customs, which do so constitute the Common or Unwritten Law of England, have, in later times, been considered as derived, rather from the recognition at various times awarded to them, by Sovereigns and Ministers, than from their true source,—Immemorial Prescription, it has become the habit of our Constitutional Lawyers to speak of the Charter or solemn Act which acknowledged the right, as

* Doctor and Student, Dial. 1 ch. 4.

Dig. tit. *Ley*. (*A. and B.*)

though it had bestowed it. Thus, according to Lord Coke,* “every franchise, liberty or privilege, either lies in point of Charter, and cannot be claimed by Prescription, or in Prescription and Usage, without the help of any Charter.” But however claimed, “*all* franchises,” according to Sir John Comyn,† “are derived from the King.” Whether they are claimed by Charter or by Prescription, their source is always royal. Prescription in itself “*supposes* the grant of the King.”‡ From him all privileges are derived, whether those of the Forest, of the Fair, of the Market, of Casual Profits, or of Trade. He, by his Prerogative, is the Fountain of all Dignity and Honor in his Realm.§ Lastly, he is the Head of the Law itself. “And, therefore,” adds Lord Coke, with a deep and pregnant meaning, “*præsumitur Rex habere omnia jura in scrinio pectoris sui!*”||

These were but highflown words, if understood of the Sovereign in a merely legislative or a ministerial capacity. But, in the sense of those who transmitted them to these times, they are no more than adequate to the thoughts they were intended to express. They carry us back to days, when the Sovereign was a judge, and enactments were Decrees. The Charter, that

* Rep p. 27. (b.) † Dig. tit. *Prerogative*, (D. 36.)

‡ 2 Inst p. 281, 496.

§ Dig. tit. *Prerogative*, (D. 31, 32). tit. *Dignity*, (A.)

|| Co. Litt. 99, a.

solemn recognition of established rights, could not be granted, but on clear and irrefragable evidence of the Right. The Right, though not conferred by the Charter, was acknowledged and sanctioned by it, and thus the Charter itself became, for ever afterwards, the best and safest record of the times which had preceded its own. To declare the history of bygone ages, for the purpose of giving law to all time coming, was thus the august and sacred function of the Sovereign as Judge. We need not wonder that the organ, which altered the oracle, should have itself received the name, and the celebrity of the power which inspired it. The Law was given without his help, and before his time. Yet, in declaring and enforcing it against its breakers, he did, in some secondary sort, become lawgiver to those for whose behoof he acted. In this way, it might be well "presumed" of him, that "all the laws of England," which it was his sworn duty to administer, "were locked up within the treasure house," of his rich and royal heart!

This, in truth, is the only sense, in which those great constitutional authorities are to be understood. For, as we have seen, the Common Law of England had other foundations, than in the mere will or whim of princes. The variations and anomalies of that law were occasioned, not by the predilections or antipathies of the monarch, but by the conflict of the elements, which at length happily concurred to form it. Above all occasions of conflict, the locality of the various customs was perhaps

the most important. But, under the Octarchy, it produced, with the Church's help, an International Law, which both Comity and Justice concurred in maintaining. When Octarchy verged into Monarchy, yet did this International Law continue. It became the surest barrier against the too great spread of central administration; the best safeguard of the special franchises of districts. It became the Common Law!

It would be foreign to our purpose, and, perhaps, at this distance of time, impossible in any case, to recount what share customs of British or Roman origin had, in making this Common Law of the Anglo-Saxons. If any such survived the Octarchy, they were sunk and lost in those of Wessex, Mercia, the Danelaghe, or other portions of the Empire. The jurists of England, and the chronicles of England, are agreed on that point. Not to the Roman Legionaries then, nor to the Roman Provincials, ought the great work to be ascribed, which reared an English Commonwealth. Tradition receives support from internal testimonies, when it declares, that the laws and customs of the Saxons were those, which, after governing the whole kingdom under various specific designations, received from the Confessor that general one, "the Common Law," which they still possess; and under which, they continue to preserve an undiminished influence.*

* Reeve's Hist. of English Law, vol. i. pp. 2, 3.

Our brief review of the English Constitution will therefore begin with the Anglo-Saxon age. It is not in our intention to do more than to afford our readers a general idea of the *political* working of the system. An examination of the social habits of the people, their forms of procedure and conveyance, their tenures, and the like, would assuredly be out of place in the present inquiry. The compass of our observations is moreover much contracted by the inexorable laws of space. Our readers must be prepared therefore to take upon trust much of what we have to say, but of which we are often obliged to deny ourselves the gratification of exhibiting to them proofs. What we have to say is necessarily of a very general character. It is with results that we are dealing, and not with the processes employed. Yet, to those,—whose laudable anxiety to become better acquainted with the topics under discussion, may lead them to investigations of their own,—the authorities, cited in the course of the following pages, will more than sufficiently supply all that we have been compelled to leave unsaid.

With this explanation of our purpose, and apology for the mode in which it is accomplished, we proceed to examine the main features of the Anglo-Saxon Monarchy, viz. the central character of its imperial power, and the local and popular character of its administration.

The authority of the Anglo-Saxon Kings was sovereign and transcendent. "In your hands," said King Edgar, to his clergy, "is the sword of Peter, the sword of Constantine is in mine."

The "Hyld-Oath" (or Oath of Fealty), bound all men to be his vassals, and, as such, to be "*be-holden* unto him and true, loving all that he loved, and shunning all that he shunned, whether in kinsfolk, neighbours, or strangers, without strife or sedition, open or private, according to God's laws and world's laws, and never, willingly or unwillingly, by word or deed, to do aught that was hateful unto him, *on condition that he kept them, as they were willing to earn, and all that fulfilled, which was agreed upon between them, when they yielded them unto him, and chose his will.*"*

Sir Francis Palgrave has collected the titles of the Monarch. He was "the Basileus of Britain," "the King of all its Nations," "the Monarch of all Albion, and of all the surrounding islands," "the Ruler of all the Land within the British seas," "the Defender of the Britons," "the Governor of the Pagans," "the Emperor of the Anglo-Saxons and Northumbrians."† The use of the style "Basileus," as the same learned writer,

* Leg. Ang. Sax. p. 63.—Brompton, p. 859.

† Rise and Progress of the English Commonw. vol. i. pp. 627—647. App. pp. cccxlii. to cccxlv.

(following Ducange), remarks, is peculiarly important, since no other sovereign in Western Christendom presumed to write himself like the Eastern Cæsars. And the evidences of a constant intercourse, between England and Constantinople, are too numerous to permit us to believe, that this Hellenism was a merely ignorant assumption on the part of vain men, who knew not its import. Moreover, the fragments of Saxon laws, still left us, attest the acquaintance of our ancestors with the Civil Law and its technical languages. Aldhelm is said to have made himself in an especial manner, the master of its secrets.*

The title of "Basileus" continued to be worn by Anglo-Saxon Kings, down to the Norman Conquest. Edward the Confessor was the last monarch of the Saxon line, and, from him, we find his "good cousin," the Conqueror, claiming to have received it by a special inheritance.† But the Norman seemed to claim it under a kind of reserve, and none of his successors were solicitous to maintain it.

Thus, the existence of great constitutional restrictions on the exercise of power, was not considered, by Anglo-Saxons, inconsistent with its sovereign and transcendent character. Central Administration was indeed kept back, but Central

* Vita Aldhelmi. p. 6.

† Rise and Progress, &c. vol. i. App. p. cccxliii.

Power was maintained. The ascendancy of the Crown was, on the whole, perhaps, greater than it ever became under the dynasty which more immediately succeeded.

But the restrictions on the exercise of that power were not the less stringent. The monarch was not permitted to deceive himself as to the tenure of his authority. His responsibility to God, and the Ministers of God, for the discharge of his duty to Man, formed the matter of the dread oath which he swore at coronation, and before every "Wite-nagemot." There are passages enough in every reign to illustrate our position, and we need not enumerate them. Far less are we reduced to dwell upon the humiliation of such a reign as that of Etheldred, in order to establish the conditional character of Anglo-Saxon allegiance. We shall adhere to a great name already cited, and furnish ourselves with the high example of the Glorious Edgar himself.

"This writing," says a contemporary manuscript,* "is copied, letter by letter, after the writing, which *Dunstan, the archbishop*, delivered to our Lord at Kingston, on the day on which they hallowed him king; and forbade him to give any pledge but this pledge, that he upon Christ's altar laid, so as the bishop him dight (appointed.)"

"In the Holy Trinity's name, I vow three things to Christian folk, and myself bind thereto. First, that I to God's Church, and all Christian folk of my realm, true

* *Reliquiæ Antiquæ*, vol. ii. p. 194.

peace will hold. Another is, that I will forbid robbery, and all unrighteous things, to all estates of men. The third is, that I vow and promise, in all dooms, right and mild-heartedness: so that us all the gracious and mild-hearted God, through his everlasting mildness, may forgive: Who shall live and reign!"

It was natural that the authority, which enacted such an oath, should possess the means of enforcing its conditions. Religion always held a high place in every Teuton Commonwealth. "Neque animadvertere, neque vincere, ne verberare quidem," says the great Roman historian,* "*nisi sacerdotibus permissum; non quasi in pœnam, nec Ducis jussu, sed velut Deo imperante; quem adesse bellantibus credunt.*" In the Councils, or "Gemoten," of those warriors,—"*Silentium per Sacerdotes, quibus tum et coercendi jus est, imperatur.*" Of their auguries he says, that the priests themselves "*se ministros Deorum, illos conscios putant.*" The whole body of the German laws was united to the worship of the avenging Gods. When the Doomsmen assembled to declare the terrible sentence, it was before the altars of Thor or Woden. It is easy to conceive that the effect, which Christianity produced upon this deep mystic or religious feeling of our forefathers, was rather to divert it into proper channels, than to extinguish it. The Abbey of Corbey replaced the Eresburgh of Irmin; but its "Frey Feld Gericht" remained, under

* De Germania, cap. 7, 9, 10.

monastic rule, that which it had been when Irmin's priests directed it.* It was the same in England. The Saxons transferred their local traditions, their hereditary veneration, their peculiar views on the mythological origin of their laws and institutions, to every soil on which they planted settlements. To this day, certain English territorial jurisdictions are said to offer some very faint vestiges of their connexion with old Pagan policy.† But, in truth, the Christianity which pervaded all the Anglo-Saxon jurisdictions, was of itself the clearest vestige of that connexion. Eminently religious from their foundation, they continued so, after the faith of Christ had replaced the worship of Thor throughout England. They did but exchange one religion for another,—a false one for a true one. And the priests of the new law, in succeeding to the spiritual offices once filled by those of Heathendom, inherited, at the same time, their temporal supremacy.

The Erastian legists of modern times have done their worst against the rights of conscience, or ecclesiastical liberties. Moreover, that which now is called the Church of England, fills the place, indeed, but has wholly abdicated the duties so nobly borne and satisfied by the Anglo-Saxon church. Yet, even in these days, and even within that Church of England, there has been found one

* Meibom. de Irm. Sax. cap. iv.

† Rise and Progress, &c. vol. i. App. p. clvi.

lawyer, who,—with much hesitation, indeed, and evident timidity,—ventures to assert, upon the transcendency of Religion in every scheme of temporal Constitution, or Commonwealth.

“The doctrine of Hale and Blackstone,” says Mr. Bowyer,* “that the Canon Law has no force in this kingdom, except so far as it has been admitted by the Municipal Law of England, must be understood with certain qualifications. *Some things therein are of Divine right, and therefore require no sanction from any human power, to render them binding. Such are the three Holy Orders of Bishops, Priests, and Deacons, and the functions essential to those Orders. Such is the spiritual jurisdiction of the Bishops.*

“*Other things belong to the discipline and government of the Church. Such are divers rights, ceremonies, and regulations, established by decrees of Councils, or Synods, or handed down by tradition, from the first ages of the Church.*”

“The Temporal Law may refuse to sanction and enforce either of these two species of ordinances, whether of Divine or Ecclesiastical right. *But it can, evidently, not deprive them of that authority, which they derive from no temporal power. They are abstract truths, propounded by a competent authority, and they must evidently be true, whether they have the sanction of temporal laws or not. The temporal law cannot take away what it did not give.*

. . . . The State may, indeed, take away whatever privileges she has conferred on the Church. *But the fact of her having so conferred those privileges does not*

* The English Constitution, London, 1841, pp. 17-20, 248-50.

afford any argument to shew, that the State may take away, or interfere with, anything else.

“ But what those things are, in which the Church may lawfully give way to the State, it must be for the Church to determine; because the State cannot, without persecution or tyranny, decide matters of conscience, in opposition to that authority, to whom the decision of such matters properly belongs.

“ The Church can lawfully submit to the authority of the State, only so far as is consistent with her own Constitution, which must remain the same, whether she is protected or persecuted by the Civil Power. The Church could not give up any part of her own authority, in consideration of the protection and endowments conferred upon her by the State, because she is not the mistress, but the trustee and guardian of that authority.

“ By recognising the Church, the temporal Sovereign became her protector, but did not diminish her rights. Otherwise, the Church would have suffered a diminution of rights by ceasing to be persecuted.

“ . . . Thus, the State is collateral to the Church. The Church existed at first, separate from, and totally unconnected with, the State; and was adopted, not erected, by the Temporal Power, with all the spiritual rights and privileges appertaining thereto.

“ Whatever belongs to the intrinsic authority and constitution of the Church, as contradistinguished from those things which she has received from the State, are beyond the legitimate power and control of the civil magistrate.”

We shall not attempt to enforce these truths in any stronger terms. They are used by a very cautious author, and, if they do not exactly go home to the mark, they certainly do not go beyond it. That at least thus much was the law and

practice both, in Anglo-Saxon times, is as true as that it still is the law, and has ceased to be the practice in these times. We shall therefore content ourselves with this concession of a modern English jurist, as tolerably, if not sufficiently, explaining the grounds of that transcendent and supreme control, even in matters of a temporal aspect, which, was claimed and exercised by the Priests and Prelates of the Anglo-Saxon church, was authorised by the Law, and was acquiesced in by the Basileus and Nobles. Of such a controlling power, reposed in such hands, and so employed and enforced, it is impossible for any thinking man to depreciate the value, or to decry the influence.

The Ecclesiastical Hierarchy of the Anglo-Saxons is said to have been one of the most efficient of the bonds which girded their empire together. It furnished a model for the common association of the temporal estates. It familiarised the King, the Under-kings, and the Great men of the Witenagemot, with the idea of one great united jurisdiction resting upon a number of inferior ones for support. In it they beheld a complete harmonious plan of territorial representation; a great, influential, highest class, brought together at one time and place, and acting together, and in obedience to one impulse, and one mind.*

The Bishops acted under the sanction of the Canons. Their Dioceses were unconfined by those territorial restraints,—(relics of the Octarchy)—

* Rise and Progress, &c. vol. i. p. 637.

which curbed and hindered the temporal jurisdictions. The inequalities of provincial rights affected not theirs. The Synod was convoked twice a year in each Diocese, and all the Clergy of the Diocese resorted thither, regardless of those local distinctions which would have separated them in a temporal Court. The same is observable of the Metropolitan Councils, summoned by the respective Archbishops of York and Canterbury. The obedience due to the Pallium was identical, in whatever Principality the Diocese might be situate. In the Metropolitan Councils, sometimes the King, sometimes the Archbishop "presided;" but they were always "directed" by the Archbishop.*

These Councils and Synods watched over the purity of Morals, no less than the maintenance of Faith and Discipline. The hardened, and especially the powerful offender, was denounced by the Mass-priest, whose parishioner he was,† or by the Bishop, his Diocesan. The King was equally amenable with the subject. In the Charters we find a record of the controversies which were liquidated before that tribunal. We read of the Equitable Jurisdiction of the Church, as of one which embraced all manner of men and of suits. As in those between Man and Man,‡ or between Church and Church, or

* Codex Diplomatum Anglo-Saxonum, vol. i. pp. 227, 280, *et passim*.

† Dunham's Middle Ages, vol. iii. p. 310.

‡ Cod. Diplom. Anglo-Sax. vol. i. pp. 99, 227. vol. ii. p. 19.

Church and People,* so, in those between the Church and the King himself, or the Heir-apparent,† the Ecclesiastical Council is the Forum of the parties. The bold churchman, strong in the people's love,‡ does not hesitate to stigmatise the "rapacity" of the Monarch, whose lawless act he nullifies with "Our Lord's help, and by the just judgment of the Synod."§ Nor was that judgment always defeated by the death of the royal offender. Once, when the gravity of the crime had been such as to call for posthumous chastisement, it is recorded by Venerable Bede, that such a Council expunged from the Annals of its time, the name and reign of the newly deceased sovereign.||

"The Church of Christ in Canterbury, Mother and Mistress of the other Churches of our Kingdom, shall, together with all unto her belonging, always and everywhere be *Free*, save only as to the Fyrd, (or Expedition), and the building of Bridges and Forts."¶

In this declaration of King Edgar, there spoke the common voice of Anglo-Saxon Law. The Mass-priest was not liable to tribute or tax in respect of his Tythes, or Spiritual Oblates. For his Lay-fee, (if he had any), he was to render to his Lord all due services. But, for his Glebe Land, or Ecclesi-

* Codex Diplom. Anglo-Sax. vol. i. pp. 188, 201, 221, 223, 276.

† Vol. i. pp. 173, 231, 280.

‡ Beda. Hist. Eccles. lib. iii. cap. xxvi. §. 239.

§ Cod. Diplom. Anglo-Sax. vol. i. p. 231.

|| Hist. Eccl. lib. iii. cap. ii. §. 151. Cap. ix. §. 175.

¶ Cod. Diplom. vol. ii. p. 347.

astical Fee, he rendered no Secular Service beyond that "Trinoda Necessitas;"—Fyrd, Brycg-Bote, and Burh-Bote. Even this reservation was omitted in many, and eventually, (if the interpretation which some have made of Ethelwulf's famous Charter be correct), it was released altogether.* The *particular* immunities conferred on Churches and Monasteries, it is scarcely possible to enumerate. Out of 527 Charters contained in Mr. Kemble's Collection,† there are no less than 181 *free* grants of this character; and besides these, 16 more are the fruit of purchase. It is declared that they shall not be forfeited nor resumed, whatever guilt their occupant might subsequently contract.

"Let them be doomed to the cleansing pains of Judgment, as the Rule prescribeth; but be the Franchises of the Most High inviolate! God, to whom these things are given, never did and never shall fall into guilt. Then let the Franchise last for ever, for God its Lord is Everlasting."‡

These immunities were sometimes transferable to purchasers of the lands, to which they were attached.§ Sometimes they were granted, by Special Charter, in respect of Lay-lands that already belonged to the favoured Church or Abbey.|| Sometimes, instead of an immunity, the King's or Lord's

* Rise and Progress, &c. vol. i. pp. 156-63.

† Cod. Diplom. Anglo-Sax. vols. i. and ii.

‡ Vol. i. p. 164; vol. ii. p. 435.

§ Vol. i. pp. 239. 241. 249. || Ib. pp. 264 to 301.

right, to the Tolls or Services in question, was transferred to the Spiritual Power for its own emolument.* At other times, (and those were of most frequent occurrence), it was most emphatically declared, that the subject-matter of the grant should pass from its state of subjection to "Royal Law," into "Church's Freedom," or "Church's Law."†

"The Superior," says Dr. Lingard, "was frequently invested with the Civil and Criminal Jurisdiction; and, throughout the domain attached to his Church, he exercised the right of raising tolls on the transport of merchandize; of levying fines for breaches of the Peace; of deciding civil suits, and of trying offenders within his Courts. The authority of the Clerical, was exercised with more moderation than that of the Secular, Thanes. Men quickly learned to prefer the equity of their judgments, to the hasty decisions of warlike and ignorant nobles. The prospect of Tranquillity and Justice, encouraged artificers and merchants to settle under their protection. Thus the lands of the clergy were cultivated and improved. Their villages were crowded with inhabitants. The foundations were laid of several among the principal cities of England."‡

The piety of the age was active, while it was also ascetic. The Clergy did not fear to come adroab into the Courts and Camps of Kings, and Assemblies of the People. Unlike the Frank, the Anglo-Saxon did not lose his Citizenship, by taking Holy Orders. *That* was a consequence of the

* Cod. Diplom. Anglo-Sax. vol. i. pp. 196, 313.

† Ib. pp. 48 to 213. Compare pp. 92 to 310.

‡ Antiquities of the Anglo-Saxon Church, p. 81.

maintenance of the Old Empire and its laws, in the hands of those who conquered it. But that Imperial succession found no place in England. There, in many respects, the Clergy were subject to the same law with their flocks. And although in other respects they enjoyed immunities, such as we have glanced at, there is nevertheless more than one honourable passage recorded in Anglo-Saxon history, where the patriot possessors of those privileges generously waived them in the hour of need, and came forward, like other Citizens, in the service of the Commonwealth.*

The Clergy received, on every side, an unfeigned respect, and exercised an unbounded influence. They were esteemed the Highest Class of the Community. The unusual value set upon the Compurgatory Oath of the inferior Clergy, the total exemption from it which, in common with Royalty, the Bishops enjoyed, and the equal rank with the "World Thane," in which the "Mass Thane" stood,† are some of the least among the examples which attest the proud Supremacy of the Anglo-Saxon Church. *That* was not merely a Spiritual supremacy. If Kenwulf, the Mercian King, openly acknowledged that the "Apostolic Privilege," to which, as much as to "the unanimous assent of his nobles," he owed his own "Inheritance," came to him from the "Apostolic Pontiffs, Leo and Paschal, with the authority of Blessed Peter, Prince of the

* Cod. Dipl. Anglo-Sax. vol. ii. p. 93.

† Rise and Progress, &c. vol. i. p. 164.

Apostles,"*—it is not difficult to believe, that the subjects of the Monarch revered no less, in their degree, the spiritual subjects and representatives of those Pontiffs. Nor can we wonder at the authority wielded by St. Dunstan, when we find his name among the witnesses to a Charter, in which his sovereign Edred, the Basileus, acknowledges the same temporal jurisdiction of the Holy See. "*Substituted*," for his infant nephew, "by the choice of his nobles," he, "*by Pontifical Authority*, is "*Catholically* consecrated to be their *King and Governor*."† The Imperial Diadem of Britain was placed upon his brows by the Head and Chief Representative of Christendom. It was thus that the new Monarch bestowed the hue of Right upon the doubtful and informal succession, which, for the time, postponed the nearest heir. "He was vindicated by the Law of the Church," (to borrow Sir Francis Palgrave's words on another occasion.) "The Law of the Church was then the Law of Nations: and Public Opinion, in all times the strongest support to the Monarch, was guided by the Sanction thus given."‡

Thus, subject to this general jurisdiction of the Popes, the Anglo-Saxon Church obtained a vast share in the administration of state affairs. That share was not always of an uniform complexion. The ecclesiastics indeed never slumbered over their authority;—but, when they exercised it, it was

* Cod. Diplom. vol. i. p. 245. † Vol. ii. p. 268.

‡ Rise and Progress, &c. vol. i. p. 525.

sometimes to obey, and at other times to control, that of their sovereign. We seem to find them, at one period, blending their own administration with that of the state. At another, they seem to present themselves as occupants of one-half of the divided empire. The very men who extended to the criminal, fleeing from temporal justice to the church's sanctuary, the shield and shelter which he claimed of them, were, beyond those precincts, foremost in exacting the penalties of crime. We are about to behold the prelate presiding in every "gemot," or court, side by side with the temporal authority. If we may argue, from the well known constitution of the "Witenagemot,"* to that of every inferior court of justice, we must conclude that, without the presence of the proper ecclesiastical judge, not one of them could be lawfully assembled. There is even reason to believe that, like the king or alderman, every prelate could summon a court, wherever he happened to reside. Eadmer mentions that, one day, when Dunstan the primate had under safe custody three convicted coiners of false money, he asked the people whether justice should not be done upon them? They suggested that, the day being a festival, and the prelate being about to say mass, it might be better to defer justice to another day. The Archbishop declined their counsel.

"I will not approach the altar," said he, weeping with emotion, "until these men have suffered the penalty of the laws. I have a duty to fulfil to the widow, the orphan,

* Dunham's Middle Ages, vol. iii. p. 311.

and the humble, whom these have wronged ; nor, by false pity, must I suspend their chastisement, and so encourage others to the crime. But, " so soon as justice had been wrought upon the culprit," adds his biographer, " then did the prelate wash his face, and with a more cheerful step ascend the altar."

He had accomplished the vindication of the temporal law, the nearest and most incumbent of the duties which that day oppressed him, for it was a " Day of the King's Peace," as the Anglo-Saxons emphatically designated every period allotted to public justice.*

But, had it been in a period of " vacation," the mercy of the canon law would have cast out the rigour of the penal code, and the prelate have triumphed over the judge. The days of " vacation " were peculiarly those, which the law of the land had styled them, " Days of God's and Holy Church's Peace." At various times, the church had assigned certain seasons of the year to an observance of religious peace, during which all legal strife was strictly interdicted. Only what remained of the year, not disposed of in this manner, (and it was but a trifling portion of it), was allowed to the state for the administration of justice. The Anglo-Saxons had been governed by these reasons, in distinguishing, as we have seen they did, the periods of " vacation " and " term."*

" Neither was this all.—On every Sunday and every Holy day during Lent, and Advent, feuds were suspended.

* Reeve's Hist. of Engl. Law, vol. i. pp. 207—8.

On these days, which were peculiarly consecrated to the service of God, the hostile might meet in safety; and, if they pleased, amicably converse under the sacred mantle of the Church. That such an institution, the wisest and most humane on record, would often lead to the permanent reconciliation of the parties is undoubted. We may add, that none were permitted to approach the Tribunal of Penance, or the Sacerdotal Altar, who did not, from their hearts, forgive the deepest wrongs they might have received. Subsequently, the invisible, but all-powerful ægis of the Church was thrown over the man, who hastened to public worship,—who obeyed the summons of a Bishop, —who travelled to an Episcopal Synod, or National Council. Severe was the chastisement of the man, who presumed to violate this ecclesiastical privilege,—a violation regarded as a crime of the blackest dye. This, with the right of sanctuary, recognised in the Royal Palace and the Pax Regis, within a certain distance from the place where the King might happen to abide, will be remembered to the honour of the Saxons, or rather to that of the Church, while human records exist.”*

Cared for by such a Church, we cannot wonder at the permanence of the commonwealth, and the steady development of its institutions. So completely indeed had these imbued themselves with the vital principles of Christianity, after they had thrown off the Paganism to which they owed their birth, that, misled by the circumstance, one of the oldest Popes, in his letter to an Anglo-Saxon king, declares, that the greater perfection of the English constitution, when compared with that of all other European States, is to be accounted for, because

* Dunham's Middle Ages, vol. iii. pp. 324—5.

they are based on the Theodosian, or an originally heathen code, *while the Constitution of England had drawn its forms and provisions from Christianity, and received its principles from the Church.*”* The error here consisted rather in words than in substance. The true expression would have been, that the National Constitution was originally derived from the old National Religion ; and that, when the nation became Christian, the Constitution, without ceasing to be religious, abandoned its Paganism, and received better principles from the Christian Church.

It is with considerable regret that we snatch ourselves away, from the further examination of this most important subject. Our space warns us to proceed to the other portion of our task. But, in the investigation of the temporal institutions, which, in their aggregate, formed, what is called, the Anglo-Saxon Commonwealth, we shall endeavour to keep in mind what we have here written, of the *transcendent* influence of religion over that Commonwealth ; and we beseech our readers to do the same. The Church was the greatest fact in every Constitution of the Middle Age ; and more especially in the Anglo-Saxon. As yet, the unhappy controversy of investiture by “ ring and staff,” was wholly unknown to England. The mild feudalism of the Anglo-Saxon time afforded no place for jealousies.

* Dr. Wiseman's Lectures on the Doctrine and Discipline, &c. vol. i. p. 116.

The effect, (shall we say the aim,) of the Anglo-Saxon institutions was, to centralise in the sovereign all the power of the state, and to make all administration local. He was the sole representative of the Confederacy; but a number of inferior jurisdictions were the wheels by which that Confederacy was worked. Of the whole body politic, the Sovereign was absolute Head. But the head, though the chief part, is still but a part. If it shares not in the life of the other portions of the frame it dies.—Now the life of Anglo-Saxon society was its law.

We do not mean to investigate the comparative antiquity of King and Commonwealth. Without a chief magistrate, no commonwealth can so much as be imagined. Without laws, it is impossible to imagine a chief magistrate. Laws, on the other hand, presuppose a lawgiver. But the lawgiver must have been preceded by circumstances, which necessitated him; and, when he appeared, he must have found a species of society or commonwealth sufficiently constituted, to receive the laws, and obey their interpreter and magistrate. To what end these investigations? They must result in the same vicious circle wherever they are commenced. So true is that, which the great De Maistre has said of legitimate and time honoured Constitutions in general, that no better reason can be given for the existence of such, than that they do exist. In every such Constitution, he justly adds, there is always that which may not be written, and

which must be left in a gloomy and venerable darkness, under pain of revolution.* With equal justice does Bonald, in following out the same proposition, say, that, “whenever a nation loses its own morality, by pretending to give itself a complete code of written legislation, it thereby imposes on itself the awful necessity of embodying in that legislation morality itself. Such a nation must be prepared to find the duties, of parents and children, of masters and servants, and of every imaginable relation of domestic life, examined and ascertained in the pages of its new code, with the certainty, that every alteration in the code must bring with it a new examination, and a new arrangement of duties. It was thus that, for years after their revolution, the thirty millions who then inhabited France, regenerated like the men of Deucalion and Cadmus, were nevertheless in utter want, not only of a civil and criminal code, but even of a religious code,—doubted of their competence to make capital punishment a *permanent* law of their state,—and had not made up their minds, whether the ties of family themselves deserved to be respected:—less advanced in their legislation, in the fourteenth century of their history, and after trying so many legislatures, *than a horde, emerging from its woods, with fixed usages and customs, needing but compilation.*”*

* Considérations sur la France, chap. iii.

† Bonald; Législation Primitive. Discours Prélimin.
prope finem.

Usages, or Customs,—or by whatever names the Saxon Institutes were called, which at once sanctioned and controlled the Prerogatives of the Basileus,—it is then certain that, from the very beginning, those Institutes did exist, and were laws to the whole Commonwealth. So often as such, in after times, were opposed or impeded in their asserted jurisdiction, their authority was declared and upheld against future invaders, by the Charters granted on each emergency by the King, and his Counsellors, or Witan. But each declaratory Charter marked, not the introduction of the law, but the beginning of disobedience. The law existed long before; the disobedience was but of yesterday. No law was recorded upon the clerkly parchment-roll, save such as it was deemed necessary to declare in force, or determine in the application. It was unnecessary to declare the law, where its obligation was undoubted, or to define the application, where that formed no part of the subject matter of dispute. The want of Written Laws, therefore, in the early periods of English History, is no argument to shew that these periods were lawless. On the contrary, the gradual increase of Written Laws, and more especially of such as affected to declare the pristine or Common Law, has been ominously contemporaneous and commensurate with the growth of Corruption and Betrayal. So true is the remark of a great writer already cited,* that “the multiplicity of Written

* De Maistre; *Considérations sur la France*, chap vi.

“ Constitutional Laws only proves the multiplicity
“ of shocks, and the danger of destruction :” and
that “ no nation can give itself the Freedom which
“ it hath not.”

England, before the Norman Conquest, was rather a Confederation of many States than an United Kingdom. The landmarks of the old Octarchy still subsisted under Edward the Confessor, nor were these the only sources of division. The Danelaghe, or territory subdued by the Scandinavian rovers, retained, as its name imports, under their less formidable descendants, the laws of those uncouth conquerors. Many of the Earldoms, into which all England was divided, had once been Principalities, whose Mediatized Sovereigns, yielding to the ascendancy of some one among the greater chiefs, who formed the Octarchy, or of the Basileus who replaced it, thus continued to exercise, by another's authority, a sovereignty no longer their own. But there was something which, more than all of these, contributed to maintain intact the ancient Laws and Liberties of the English Empire. It was the Social Organisation of its inhabitants. From that Organisation, the Empire itself had sprung into existence. By that Organisation, it continued to be guarded and maintained. The one was but the reflex of the other : they were obverse sides of the same escutcheon. The Empire of the Basileus of Britain was, upon a great scale, that which each of its “ Townships ” was upon a smaller one. The

Township was the Political Integer, that formed the nucleus of every form of Anglo-Saxon society. The Empire was the largest conglomerate of such units. It is a fatal mistake to regard the question in any other light, and yet it is one into which many erudite partisans, of opinions various and hostile, are continually falling.

It was so with all Teutonic nations,—from the periods when they successively became known to Europe, down to those of their successive degradation. They were accustomed to confederate for foreign, that is, national, purposes, and,—as the Anglo-Saxons did in England,—to recognise, in some “Walda” or “Ruler,” a depository of the power essential to their accomplishment. But they were destitute of any Common Jurisdiction, which could interfere with that of the Judges of the “Centena,” “Gau,” or “Clan,” or supply its place, where two or more of such jurisdictions came into conflict.* Yet the political skill, which contrived the Confederation, was not less considerable than the patriotism, which could conceive the thought.

The Suevi were such a Federation. They consisted of a hundred “Pagi,” and the contingent of each was a thousand warriors.† So long as the enterprise lasted, the Federation could not be dissolved, nor could the power of life and death be taken from the hands of him, whom, for the Common Weal, they had made the Common Magistrate. The Continental Saxons had twelve “Aldermen” of

* De Bello Gallico, lib. vi. c. 21. † Ib. lib. iv. c. 1.

equal rank, from among whom their War King was to be chosen by lot; his office ceasing with the necessity that occasioned it.* So long as it was elective, it was of course of merely temporary duration. But,—although originally unknown, save in its combination with the precarious military life,—it began gradually to be resorted to, for the transaction of all public affairs, even in times of peace.

This great change was closely accompanied by another, and as great an one. Elections became less frequent; and when the office of the Imperator became more normal and familiar,—and when, at a comparatively early period, the Federation had become permanent,—the Elective General was also replaced by the Hereditary Monarch.

Sir Francis Palgrave makes some interesting remarks, on the etymology of the Anglo-Saxon word “Cynehelm,” which denoted at once the King’s Helmet and Crown. He regards it as a significant expression of the progress of Imperial Power in England, and by no means inconsistent with that character of philosophic refinement, for which Anglo-Saxon terms are justly celebrated. He thinks that, “whilst the old Saxons fought “under the supremacy of their elected Imperator; “he might be enabled to cause justice to be dispensed between different tribes of the Armed “Nations, and that thus the Allegiance, required “by the General, gradually became the Fealty due

* Beda Hist. Eccl. Angl. lib. v. c. 11. Leibnitz SS. Rer. Bruns. vol. iii. p. 292.

“ to the Sovereign. Peace deprived them of their
“ Common Magistracy ; and the cessation of ex-
“ ternal hostilities was the commencement of in-
“ ternal disunion. But they possessed within
“ themselves the means of amelioration ; and their
“ peculiar policy afforded the groundwork of the
“ general government of the Community.”* It is quite evident that, of such a community, the Head was inoperative,—so long as the concurrence of the Members could not be procured, or was not demanded !

The functions of every Teutonic Government, and more especially of that which existed among our Anglo-Saxon forefathers, cannot be more truly illustrated, than they are in one short sentence of Tacitus. That great Roman writer is becoming more and more discredited, for what he said of the Germans of his time, in proportion as their descendants are more and more receding from their likeness. The time is coming, (if it be not come already), when the following passage will be believed no more deserving of credit than any apologue or mythus. The incredulity is pardonable enough. The very contrary method nowadays obtains among Teutons. In Free, Constitutional, and Saxon England, it is no longer Great National concerns, but petty details of local Faction, that command the undivided attention of the Great Council and the Citizens. National interests are considered “ Foreign,” and under that

* Rise and Progress, &c. vol. i. p. 111.

denomination are handed over to a Minister of State, also—(and sometimes deservedly)—styled “Foreign.” But Local Partisanship we hug to our bosoms, and since we consider it our “Home Policy,” so we designate it!

Very different was the manner of the former Teutons!—“*De minoribus rebus, Principes consulant: de majoribus, Omnes:—ita tamen, ut ea quoque, quorum penès plebem arbitrium est, apud Principes pertractentur.*”^{*} Whether the “Omnes” are to be understood to mean all the Free, or Noble, members of the “Gau-ding,” or “Concilium,”—as Eichhorn considers,[†]—or whether the term is to be limited to the Heads of their respective Families, and that even the power of these was not co-ordinate with that of the “Principes,”—as Palgrave teaches us,[‡]—is a matter of comparatively little moment. If the *Greater* affairs of State were in fact propounded to the whole of the Tribe or People of the Centena,—the Roman historian assures us, that it was not until they had been discussed and digested by the “Princes,” or “Select Council of the Noble.” If, on the other hand, the Heads of Families, and not their inferior members, were those consulted in that Appeal of Last Resort, it is probable that these would have compensated, by their wisdom, experience, and weight, for what

^{*} De Germ. c. 11.

[†] Deutsche Staats-und-Rechtsgeschichte, vol. i. pp. 46, 299. [‡] Rise and Progress, &c. vol. i. pp. 86-7.

they lacked in numbers, and that the Weal of all would often prove to have been best consulted, by this exclusion of the Majority from the Debate. In either case there *was* Knowledge, there *was* Solitude, there *was* Investigation. Public Opinion, however generated, *did* exist, and the guilty "Princes" was always at the mercy of its inevitable and unerring judgments.

The Genius of the Anglo-Saxon Government was eminently favourable to this patriotic spirit of inquiry.

On the Continent of Europe, the rapid succession of foreign invasions soon concurred, with the seductive manners of the Old Society, in effacing, or impairing, much of the Traditions and Usages of the North. But those circumstances were peculiar to the Continental Settlements of these Conquerors, and their influence was in England unfelt. Here, the Institutions, which the Anglo-Saxons brought, in germ, from the shores of the Cimbric Chersonese, had time and space to develop themselves, until they reached unto a maturity and beauty, which had never been witnessed elsewhere; and which other Tribes of the great Teuton Race had cause enough to envy.

Reverting to what we have already said, it must be understood, that the Anglo-Saxon Empire was a Federation,—not only of many Vassal States, retaining each its legislature, after the Octarchy had merged into the Monarchy,—but also of many smaller Communities, subordinate yet free, fully

acknowledging the Imperial Supremacy, but for all Local,—and likewise all Administrative—purposes, acting, as it were independently, —alike of the Imperial Government, as of the inferior State or Principality, within whose geographical limits they happened to be situate. Over all these Confederate Estates, of so many and such various degrees of rank and importance, presided the mighty “Basilus,” and around his sacred person stood the “Witenagemot.” To him were assigned the functions alike of War and Peace. He administered Justice in Last Resort. He made new Laws that should bind the whole Confederation. He was the sole depositary of the power of the sword, and he led their array to battle. All these were Imperial Functions, and, with Imperial Titles, he claimed and exercised them. But there were bounds to that exercise. The “Witenagemot” were the “Proceres” of the Empire, and, in that capacity, had a right to be in every case consulted. Every “Folkmoot,”—whether it were that of the “Earldom,” the “Shire,” or the “Hundred,”—was, in like manner, the Assembly of the “Proceres” of *their* Jurisdictions; and, within those limits, possessed all the rights and functions, which the “Witenagemot” possessed in regard of the entire Confederation. It was true, that neither his Imperial nor the Provincial Councillors could supersede his office, by taking the Initiative,—in Legislation, or in Diplomacy, in Levying War, or Contracting Alliances. Like the Frankish Emperor, his discretion might

always have withheld the measure from their examination. This was the original sense of the much dreaded word "Prerogative."—"That *Terrible* " word derived from the verb *prærogare*, signified, " as well in letter as in substance, the right of initiating the measures of the Executive, and the " process of Law and Justice. It had no other " interpretation."* But, if the monarch withheld the ordinance from the examination of the constituted Estates or "Proceres," whether of the Empire or a Province, the ordinance could not be enforced there.† It was, in short, the Prerogative of the Basileus to stand still, and be idle, if he declined to seek the concurrence of his "Wissenden." —But move without it,—he could not!

The constitution of every "Gemot" was pretty much the same. They were assembled for all kinds of purposes. In after times, the Anglo-Norman Prince summoned his lieges in like manner, for various ends, but always as members of his Great Council or Parliament. But, in the annals of those later sovereigns, and in those of their Anglo-Saxon predecessors, we read of "Conferences," "Councils," "Armed Councils," "Judicial Councils," "Councils of State," and the like;—yet the same Sovereign convoked, and the same "Wise men" and "Proceres" sate in all of them.‡ In like manner every dependent State or Principality

* The Tablet, vol. iv. p. 51.

† Rise and Progress, &c. vol. i. pp. 540, 552, 633, &c.

‡ Rishanger, pp. 14 to 64.

of the Anglo-Saxon Commonwealth had its "Witenagemot,"—in no respect differing from that transcendent one, which deliberated around the Basileus, save in the comparatively thin attendance of its members, and their inferiority of political importance. Descending to those lower Jurisdictions, the "Shire Court," and the "Hundred Court," we witness, among their functionaries, none that do not also appear in the august assemblies of the "Witan." The inferiority of the "Gemot" is marked, by the mere absence of the more illustrious "Proceres," not by the substitution of others in their place.

The "Township," as we have observed, was the element, the indivisible Unit, or Integer, of the Anglo-Saxon Body Politic. It was the Seignory of the Lord ;—to whose jurisdiction, however, the concurrence of the inhabitancy, as represented by a certain number of "Sokemen," was essential.* An officer called the "Gerefa," or "Reeve," was an indispensable appendage to every Township. In that Township, (unlike the illustrious "Graf" or "Comes," from whom his appellation is originally to be derived), he was but the governor of the "Ceorls" or Churls,—(the Villain class of "Free-men,") and the Fiscal officer of their Lord. But, at every "Gemot,"—from the august "Witenagemot," down to the "Hundred Court," within whose jurisdiction his Township lay,—the Reeve appeared in a somewhat higher character. He came to those

* Domesday, 193, (b.)

assemblies as the Deputy of his Township, representing, in that capacity, the Lord himself. He spoke and acted, on his Lord's behalf, and gave such testimony as would have been given by that nobleman. Yet he was not his nominee. He was chosen by the men of the Township, through the presentment of their "Jury of the Leet;"—not nominated by their Lord;—and, when he went to represent them in the "Gemot," he was always accompanied by the "Four Men," who were likewise elected for that purpose, and whose presence was as indispensable as his own. With them also came the "Mass Priest," or Curate of the Township;—for, before the Conquest, the clergy were not afraid to trust themselves in Courts of a Secular authority.*

The next Jurisdiction of the Township, in order of rank, was the Hundred. Antiquaries are divided as to the etymology. The "Centena" of Tacitus, the "Cantred," of the Welsh Britons, the Scandinavian "Hœrred," have each found their partisans, according as the Hundred has been supposed to mean a Hundred of "Tythings," of "Hydes," of "Freemen," or of "Free Families."† But, whatever the etymology, the term itself was universally known throughout England, south of the Trent. To the north of that river, the Ceremony of the Spear, used at the installation of the "Earldorman," or "Alderman,"—(as Sir Francis Palgrave supposes)—or, perhaps, the Musters of the Armed

* Ethelred, §. 1. Knut. II. §. 20, 27. Henry I. §. 7.

† See Rise and Progress, &c. vol. i. pp. 96, 7.

Array, which took place in every Hundred,—gave to that territorial division the local designation of “Wapentake.”

The Hundred Court was held every month. It consisted of the Bishop of the Diocese, the Alderman, (who, as the “Missus” or Representative of Royalty, always presided with the Bishop,) the “Thanes” and “Landlords” of the Hundred, and, as before noticed, the Priest, the Reeve, and the Four Men of each of its Townships. The powers of this Great Court were usually, for convenience’ sake, exercised by a Select Committee of their number;—commonly by Twelve, but sometimes by Twenty-Four, and even Thirty-Six.* In them the highest branches of Jurisdiction were vested; in Criminal Jurisprudence, alike as in Legislative Proceedings; and, by their means the taxes were assessed upon, and gathered from the Hundredors;† an usage which has been remarked by Mr. Urquhart in the Turkish municipalities of the present day.‡ The Government of the “Lathe” or “Hundred” of Romney, according to Palgrave, is the last vestige of the system in England. “With some ‘changes,” he says, “it has been perpetuated to the present day; and, in the ancient Jury of Twenty-Four, whose Presentments, confirmed by the “Lords” of “Fees,” and the “Reeves,” or “Propositi,” of such as were absent, became the Laws by

* Henry I. § 7. Ethelred II. § 8. Hist. Rams. p. 415.

† Ll. of North. Clergy, p. 101. ‡ Urquhart’s “Turkey and its Resources,” p. 443. London, 1833.

which it is governed, we may discover the "Thanes" of the Saxon age."*

Coming next to the "Shire Court," we perceive, in this more important Jurisdiction, only an amplified copy of that of the Hundred. There were, indeed, two classes of Shires, and the scheme of their respective courts was accordingly far from uniform.

In the one class, the Shires may be said, according to Sir F. Palgrave,† to have been originally British or Anglo-Saxon Royalities, mediatised at length into Provincial States. In the other class, the Shires were formed by dismembering kingdoms, and placing their loosened elements under the separate rule of "Earls" or "Aldermen." In the former class, it is obvious that the Shire Court possessed much greater political influence than it had in the latter. But this was but a difference of degree, which did not affect the principle common to both.

The Shire Court was to be held at least twice a-year.‡ The Bishop and the "Alderman," (or "Earl"), presided, and declared respectively the Ecclesiastical and the Municipal law. The "Scyr-Gerefa," or "Shire Reeve," (Sheriff), the "Land-Lords" of the Shire, (either in person, or as represented by their own "Reeves,") "Twelve Jurors" from every hundred, (those successors of the

* Rise and Progress, &c. vol. i. p. 102. † Ibid. p. 116.

‡ Edgar I. § 5. Knut II. § 17.

Scabini), the same number of Deputies from every "Burgh" and every "Demesne Crown Manor," and, lastly, (but unsummoned,) the "Four Men and Reeve" from every Township, came to that assembly, and completed it.* Here were determined the Pleas of the Crown, the Public Peace avenged, the Rights of the Church asserted, and the Wrongs of the People redressed. Civil and Fiscal transactions of all kinds were concluded in the Shire Court, both in concurrence with those of its Hundreds, and by way of appeal from the latter ;—and generally, the Political relations of the Shire with the Empire, or of the Empire with its neighbour,—in so far as the rights and interests of the Shiremen were likely to become compromised through the latter,—were in that assembly considered and adjusted.

The highest of these assemblies was called "The Witan," "The Mycel Gethaet," (or "Great Thought,") or more generally "The Witenagemot." It met thrice a year, or oftener, as need required it. Every great Appanage of the Empire had its own Witenagemot. But the highest among these was the Imperial one, which was summoned by the Basileus himself,† who presided in person. In like manner, that of the Appanage was summoned by its Alderman, with the leave of the Basileus.‡ Every Witenagemot was composed of the following members.

* Henric. I. § 7. † Saxon. Chron. pp. 230, 1010.

‡ Rise and Progress, &c. vol. i. Append. p. cclxxxiii.

The first Order was that of the Prelates. Next came the "Aldermen," "Earls," and "Seniors," summoned, not only as the Chieftains of districts, but also as "Vassals," or "Antrustions," of their Sovereign. Then came the Thanes, as "Land Lords" in their several Communities. And, lastly, the Twelve Jurors, of Hundreds, Burghs, and Crown Manors, and the Four Men, and Reeves of the Townships, came to "listen" to the promulgation of the Decrees and Edicts of the Sovereign, to "declare" their grievances, and to "present" the Crimes and Misdemeanors of their respective Jurisdictions.*

But, to the Imperial Witenagemot,—where the Basileus of Albion appeared, reciting the Oath he took at the Coronation, and wearing the Crown, and surrounded by his great Officers,—there resorted a mightier and more illustrious Senate. Thither, besides the classes we have enumerated, came the Vassal-Kings of Wales, Scotland, and the Isles, to testify their obedience. It comprehended all the Counsellors and Sages, "Rædesmen," (or Privy Counsellors), and "Witan," both Clerks and Laymen, whose advice and assistance the Basileus was entitled to demand. It was, says Sir F. Palgrave, the General Diet or Placitum of the Empire.†

But the Imperial Witenagemot was also the Witenagemot of Wessex,—the patrimonial territory

* Henric. I. § 7. Rise and Progress, &c. vol. I. Append. p. cxvii.

† P. 636.

of the Basileus. The recognition of his title by that body, upon his accession, gave him no rights over Mercia, and the mediatised Kingdoms of the Octarchy, nor over the unruly people of the Danelaghe. He needed to be proclaimed and inaugurated in every one of these "Land-Gemoten," as he had been in that of Wessex. There was but one Coronation,—or Consecration,—for the whole Empire. But that was through the ordinance of the Church, which administered the rite. The Inauguration, being a civil ceremony, was regulated by the Usages of the Federation.*

In like manner, when new laws were to be made for the Empire, they had no validity beyond the confines of Wessex, until the Land-Gemoten of the dependent Kingdoms, or Provinces, solemnly accepted them on behalf of their respective Peoples. Sir Francis Palgrave enumerates laws, which, notwithstanding the explicit and lofty language in which they were enacted, did not obtain the recognition and the assent of the inferior Witanes, for more than a century in some cases, and in others not at all.† In Wessex itself, they acquired legal validity, without further promulgation, for the "West Saxon" Witenagemot was included in that of the Empire.

The members of the Witenagemot were the "Pares Curiaë" of the State. The Charters which

* Rise and Progress, &c. vol. i. Append. p. cccxlv.

† Rise and Progress, vol. i. pp. 638–9, 643.

the Sovereign gave, were given in their presence, and with their concurrence, attested by their subscriptions. They decided controversies among Crown Vassals, and, indeed, all classes of the Community. They annulled the royal Edict itself, when contrary to Law and Justice.* They possessed, concurrently with the Shire and Hundred Courts, a Jurisdiction, in all matters of Civil, Criminal, and Fiscal regulation;—but they also exercised an Appellate Jurisdiction over these, and, finally, an Original Jurisdiction, which transcended all others. Legislation, as we have observed already, was but a small branch of the duties of the Witenagemot. The people were *then* too wise to demand new laws for the novelty's sake, and too well satisfied with their birthright to abandon it!

Upon political questions, the authority of the Witenagemot has been not inaptly likened to that of a modern Political Congress, summoned upon an emergency.† The Sovereign assembled his Vassals and Liegemen, *to treat with them*, touching the common danger, to receive their honest admonition and advice, and to *ask* them to co-operate. It appears, in fact, that at these Congresses, the vote of the Majority did not bind any one Member of the Empire to the political measure so decided on, unless he himself had concurred in it. Thus, the “Under-King” of Cumberland, who stood out

* Hem. p. 27.

† Rise and Progress, vol. i. p. 641.

against the grant of Danegelt, was not affected by the vote, and refused to obey it.*

This much is certain, that no Charter was ever sealed, no Decree ever made, no Law ever declared, no Proclamation ever issued, by the Sovereign,—save only in full Witenagemot, and with *their* concurrence, whose names were carefully entered of Record upon the Roll. The Charters of Alfred the Great† exhibit the singular importance which that Monarch attached to such attestations. He “*charges*” his lieges, to *witness* what he is doing, for the *confirmation thereof*.” He “*beseeches* them, whose names follow his own, to *consent and subscribe*, at *his prayer, and for his love*.” Occasionally, in aftertimes, force itself does not seem to have been spared to obtain subscriptions.‡ But these formalities of detail were but idle,—these precautions superfluous,—this unwillingness of the “*Testes*” utterly unaccountable,—unless upon the hypothesis, that the Act of the Monarch, although supported by a majority of voices, did not bind those counsellors who stood out against it. On the other hand, it is quite clear, from the whole course of the argument, in the famous question between the Bishop of Chichester and the Monks of Battle, that a Charter,—although granted by the King himself, and confirmed in the Great Council,—could not,

* Scotchronic. iv. 38. Baron. Anal. pp. 116-17. Chronicon. Will. de Rishanger, p. 65.

† Cod. Diplom. Anglo-Sax. (curâ Kemble), vol. ii. pp. 126, 130.

‡ Chronic. Will. de Rishanger, p. 3.

even in Norman times, affect the rights of an Inferior Jurisdiction, where the Officer, who represented the latter for the time being, had not subscribed *his* name, as one of the "Testes" to the granting it.*

The frequency of these Assemblies, and the facility of calling them together, might have seemed to preclude the necessity of a Standing Council of State. They were competent to the discharge of the most tedious and delicate functions, no less than of those which demanded steady consideration and instant resolve. Their collective weight and influence, representing, when assembled, every class in the Empire, from the Scottish and Welsh Princes, down to the Churl of an English township, pointed out the Moot-Hall where they sat, as the spot most eminently adapted for the latter. The former would be left to the more able and diplomatic among the "Proceres." As in the Shire Court, so in every Gemot, it was the practice, when occasions called for such a measure, to choose, by lot, from among the more influential members present, a select Duodenary body of men, and to delegate to these, not only the transaction of the business before them, but also all the powers and authorities which the Gemot itself might have used in transacting it. We have already remarked the interesting fact, presented in the records of the Shire Courts, that the respective

* Rise and Progress, &c. vol. i. App. p. 34, &c.

numbers of these Committees varied sometimes; but when they did, that it was from twelve to twenty-four, and from thence to thirty-six; that is to say, always in duodenary proportion. That the same reverence for the Sacred Twelve was displayed in the Great Council, which existed everywhere else, we cannot doubt. The Select Courts or Committees of the Witenagemot were in all probability of a Duodenary constitution. Certain it is, that such was the practice of the Great Councils of the Norman Kings, at a period anterior to the introduction of the Commons into their deliberations. We meet with the Twelve, and the Twenty-four, so late as the reign of the third Henry. The very phrase is preserved. They are, "in Duodenario numero electi."*

But there was *then* a wakeful jealousy among the rulers of England, which fitly corresponded with the zeal and patriotism of her citizens. The Witenagemot, indeed, was the greatest of the King's Councils of State, but it was not the only one known to the law. It has been already noticed, that in the Witenagemot the "Counsellors," or "Rædesmen," appeared as a class. These were the ordinary advisers of the Sovereign. They occur in chronicles and charters as "Rædesmen," "Rædigifan," and "Consiliarii."† In another

* Chron. Will. de Rishanger, pp. 357, 359.

† Sax. Chron. p. 211. Somners, p. 218. Rishanger, ubi suprà.

charter the Rædesman is named, under the special denomination of "Thegn æt Ræde and æt Runan," or "Thane at Council and Secrecy."* *Runnimeðe*, where the Barons extorted from King John the Confirmation of their Liberties, was always, as Sir Francis Palgrave well remarks, the "Field of *Private Council*."† Hemingius furnishes one proof, that the Post of Privy Counsellor gave great consequence to the Thane who filled it. In describing, on Bishop Wulstan's authority, the merits and importance of one Egels—he tells us, that he was "a right noble man and a wise one, both in religious" "and in worldly businesses, *insomuch that he came to be numbered among the King's Counsellors*, and "among them, he became notable enough. *Hence it came to pass*, that, in *wealth and store of moneys*, "he did outshine *many* that were of *higher rank than he was*."‡

It is an important fact, that the last historic document, in which the Anglo-Saxon language was used, contained a very distinct recognition of this class of King's Counsellors, under their old name of Rædesmen. It is the Writ or Patent, which King Henry the Third sent "into every English Shire, and also into Ireland," in pursuance of the famous Provisions of Oxford, charging obedience to these, and also to the further Provisions to be made by

* Concilia, vol. i. pp. 283, 284.

† Rise and Progress, &c. vol. i. App. p. cccxlviii.

‡ Hem. p. 277.

him, "through the aforesaid Rædesmen, *or the more part of them*" (the principle, on which the majority is said to represent the whole body having begun, by that time, but only partially,* to be understood.) The King mentions, that these Rædesmen had been chosen by himself, "*and by the Landsfolk of the kingdom ;*"—language significant of the humiliation, to which the event of war had then reduced him !†

The language of the Constitution would have been, that the King himself chose them, *from out* of the Landsfolk, and also "out of the several "parts this State was composed of."‡ But the functions of the Rædesmen, however selected, are well described in the Writ. They are to "advise "and consider," with the Sovereign, "for the "honour of God, and, under their allegiance to "him, for the amendment of this land."

Henry, on his side, is made to "will and grant, "that what they have done, or shall do," in that wise, shall be "stedfast and lasting, in all things, "without end," and that, "if *any others* come "against them, *all his liege people them do hold for* "deadly foes."§ Here, it is the Monarch that

* Chronicon. W. de Rishanger, pp. 3, 13, 37, 65, 123.

† Rot. Pat. 43. Hen. III. m. 15.

‡ Sir W. Temple's Mem. vol. ii. Append.

§ Rot. Pat. *ubi supra*. Rishanger observes that this was the "*only*" clause in the Provisions of Oxford which excited discontent. (p. 3.) The doctrine of "Majorities" could not as yet be brooked to that extent !

promulgates the new ordinance, by and with the advice of his Privy Rædesmen or Counsellors. Such is still the *law* of England.—Such, doubtless, was also the law, and moreover the *practice*, of the Anglo-Saxon age! Whenever the Witenagemot sat, the monarch dealt not but with their concurrence. In their absence, he had his trusty Rædesmen.

Were we now to pause, and to review what has been already noticed of the Anglo-Saxon Constitution, we should find, at every point of our enquiry, some fresh matter for admiration. There are those, who think it the most perfect form of government to be found recorded in the world's annals. These may be well pardoned for such a thought. It did indeed possess one admirable property, in the elasticity with which it adapted itself to every phase of contemporary events; contracting in the adverse seasons,—stretching and widening with the good fortune,—of the society it bound together. That, to that society, it was peculiarly fitted, the coldest sceptic can advance no doubt. That Society, with that Constitution, had lain, two germs, within the bosom of the Law.—Thence emerging in due season, their development became rapid, because it was regular and simultaneous. The Norman Conquest, like a rude storm, met them in the midst of progress, and blighted sorely, and warped them. Yet, destroyed utterly they could not be; for they had drunk in the strength, and planted themselves in the deep

ness of the Hoary Ages, that had long gone by. On, then, they lived,—though with a life less beautiful and less simple,—until those days of Selfish Greed, and Inward Deadness, in which Virtue had become as the Dream of a Dark Night, now passed away, and Vice as the Dawning that dispelled it!

Of what consequence is it that, of the method of Election, or the Limitations of the Popular Suffrage, (known to the Anglo-Saxons), we ourselves know nothing. Surely, of every Popular Constitution the world ever saw, the aim was to excite Popular Attention to the course of Contemporary Events,—to instruct the Popular Mind as to the Causes and Results of those Events,—and to control the evil inclinations, and to coerce the sluggish tendencies, of their instruments, by placing in the hands of the People the means of making effectual the Knowledge thus acquired. These are the only Safeguards of States! Monarchy, or Democracy, it matters not,—that State must fall, whose people are depraved! Democracy or Monarchy it matters not,—that is a Strong State, whose People hold, and are determined to retain, the Knowledge of its affairs,—the Boldness in applying it,—for which the Anglo-Saxons of other days are so honourably distinguished from their Progeny in this!

And let not this one memorable Cause of all be obscured or forgotten. The Political Rights won for us by our fathers, were the Fruit of their own Honest Reverence for the Rights of others! The Political Constitution of England arose within the

Palace of Justice. The Political Principles of Anglo-Saxon Patriots were the hoar and time-honoured Axioms of Anglo-Saxon Law. Their Political Meetings were their Law Courts. Their Political Orators were their Judges;—men, who, with credit and reputation, administered, to High and Low, the pure blessings of Justice. Their Political Representatives were their Jurors. Their Parliament was their Highest Court of Judicature, Civil and Criminal, Original and Apellate.

It was no Code, no Written Constitution, that gave them this boon. It became theirs slowly and by Habit. Their Habit it was, to venerate the Laws of their Country, and for the sake of these to venerate their Ministers,—whether Magistrates or Jurors,—and to attach Solemn, and Sacred, and Beloved Associations, to the persons of those Ministers and to the spots where Public Justice sate. That was a Habit which pervaded every class. From the King to the Hind it breathed universally its influence. With such dispositions, it was natural that, on the one hand, the Oppressed should resort, for the redress of their wrongs, for their comfort under suffering, to the Holy Temple of the Law, and the Sacred Personages who sate within the Porch. It was natural that the intervention of Advocates, such as these, should have been rarely withheld upon those occasions, and, when employed, that it should in general have proved successful.

“ Had it not been for the constant exercise of the func-

tions, which the people of England possessed, when they assisted in the Administration of the Law, *they would never have been qualified to claim their Political Rights.* When no species of Popular Suffrage existed ; when the bulk of the people had no Political Existence ; then, and during the whole of that period of the infancy of Liberty, the main-spring of the machinery of remedial Justice existed in the Franchise of the Lower, and Lowest, Orders of the Political Hierarchy. *Without the Suffrage of the Yeoman, the Burgess, and the Churl, the Sovereign could not exercise the most important and most essential functions of Royalty. From them he received the power of Life and Death.* He could not wield the sword of Justice until the Humblest of his Subjects placed the weapon in his hands.”*

Shocking is the contrast which these words present to those that should describe England’s present position !

“ We have sapped,” says a modern writer, “ the Foundations of International Law, and overthrown the Barriers within which Justice encloses States, and which are the Natural Obstacles to Foreign Aggrandisement. We have placed arms in the hands of Russia, by degrading England to her detestable level in point of Honour and Morality !”

We have, in short, done the very contrary to that which the noble example of our forefathers taught us. From the Congress of Vienna down to this day, our International Policy has been one Grand Breach of Law, International and Domestic ! †

* Rise and Progress, &c. vol. i. pp. 276-7.

† See the Reports on International Law, in Append. to the Report of the East India Committee of the Colonial Society. London, 1842. pp. 49 to 126.

We remain insensible of the wickedness. It is unpunished and unopposed, and not so much as condemned, by us. From the Great Council of the Realm to the Court Leet of a Rural Vicinage, not a presentment has been made to Public Justice,—not a Resolution uttered against the crime, or its perpetrators. The root of the evil, is, that the Sense of Law and the Love of Justice have been lost, not only by the Government, but by the Nation at large!

To their Sense of Law, to their Love of Justice, our fathers owed the Freedom, the Happiness, the Ascendancy of England. The Beginning is the Parent of our End. Unless the Englishmen of this century can retrieve themselves, by expiating the national guilt with the penance that is self-imposed, and the punishments that are inflicted upon the guilty,—that which began gloriously must perish miserably, amid the execrations and insults of surrounding states!

NORTH AMERICAN FISHERIES.

No. I.

NOVA SCOTIA.

As it is the habit of England to attend to any particular branch of its affairs only when some event has occurred, and when particularly some injury has resulted, or some danger threatens,—it may therefore be hoped that the incident that has occurred on the coast of Newfoundland, and the thought which is thereby presented, of a possible collision with France, arising out of the unsettled relations of our Fisheries, may call some attention to this subject. We seize the opportunity of presenting some passages from a “*Report of a Committee of the House of Assembly of Nova Scotia, on the subject of the Fisheries, extracted from its Journals in the year 1837.*” The Report of the Nova Scotian Assembly, and their Appeal to the Superior Government, have been alike disregarded, for it is daily expedient for that Government to save itself from trouble.

For five-and-twenty years Nova Scotia had been injured, not protected, by her allegiance to the British Crown. She has been deprived of her wealth and her strength—she has seen her natural riches carried off by lawless plunderers—her young sailors drafted into the vessels of a rival state—strengthening thereby its navy, while leaving the families to which they belonged, the burthen of the community they were driven to desert.

In vain have these results presented themselves to the eyes of a British Government that had concluded injurious treaties—that had entered into ruinous conventions—and had then, with perfect equanimity, suffered the infraction of those very bonds that were themselves so obnoxious. And to a nation, equal evidence was fruitlessly presented of incapacity in the laws that they made, and in the laws which, having made, they dared not to enforce. In vain have British residents in that country, travellers, governors of colonies, colonists themselves, and even their Colonial Parliaments exposed the injuries of this condition. In vain have they pointed out the necessity of the revision of the Convention of 1818—in vain have they established against the citizens of the United States, the most glaring and ruinous violations of that Convention.

The Committee of the House of Assembly of Nova Scotia :—

“ Have accumulated a mass of evidence, removing all doubt on the subjects referred to them, and exhibiting a melancholy picture of the evil consequences flowing from the indiscreet negotiation between Great Britain and the United States of America ; and the flagrant violations of subsisting treaties by the citizens of the latter, and the necessity of promptly repelling such invasion of our inherent rights * * * .

“ The Cod fishery of Newfoundland and Canso, on the Peninsula of Nova Scotia, commenced soon after the discovery of the former by Sebastian Cabot, in the reign of Henry VII., 1497 : all nations resorted to the banks and

coasts of that island, until the reign of Elizabeth, when Sir Humphrey Gilbert took possession, and claimed sovereignty under the right of original discovery—Newfoundland acknowledged that right; the French Government disputed the claim to the Fishery of Canso, until Nova Scotia was ceded by treaty in 1749, and Cape Breton conquered in 1758, from which period British subjects pursued the Fisheries on Brown's bank and the banks of Nova Scotia *exclusively*; and on the banks of Newfoundland in *common* with the subjects of every European nation; the colonists also, with British subjects only, resorted at pleasure to every part of Newfoundland; and to the Labrador coasts, after the expulsion of the French from Canada, in 1759—to which government Labrador then belonged; leaving the French accommodated with the islands of St. Pierre and Miquelon, and the north-west side of Newfoundland. At the peace of 1783, a treaty was entered into between the United States and Great Britain, by the third article of which the people of the former obtained the right 'to take fish on the Grand Bank, and all other banks of Newfoundland, in the Gulf of St. Lawrence, and all other places in the sea, where the inhabitants of both countries had been used to fish before, and the *liberty* to fish on such part of the coast of Newfoundland as British fishermen used, (but not to dry or cure fish there) and on the coasts, bays, and creeks of all other British Dominions in America.' American fishermen also obtained *liberty* to dry and cure fish in any unsettled bays, harbours, and creeks of Nova Scotia, Magdalen Islands and Labrador; but as soon as any of them were settled this liberty was to cease, unless continued by agreement with the inhabitants.

“ By this inconsiderate article of the treaty, (to speak of it in the mildest terms,) a source was opened, from which flowed a torrent of misfortune to the inhabitants of this

province: by it the harbours of the Atlantic colonies were thrown open to the vessels of the United States, and the native fishermen subjected to a hostile rivalry, with which they were unable to compete, and from which no prospect was afforded to escape, while liberties of no ordinary character were ceded to the United States, affording profitable fields for commerce, and fostering a race of seamen conducive to national wealth in peace, and to defence and glory in war: writhing under difficulties thus heaped on them, the colonists, by the declaration of war, in 1812, were unexpectedly relieved, and exerted themselves to retain their restored rights, fishing vessels of the United States were ordered off by the British naval forces, or captured and condemned, on the ground that the treaty no longer existed, maintaining that the treaty of 1783, not having been confirmed by the treaty of Ghent, was annulled by the war of 1812; at this period, warm and energetic remonstrances went from the Colonies, soliciting the protection of their rights, and on the subject of the Fisheries, Nova Scotia was foremost. By memorial on 8th October, 1813, she entreated His Majesty's Ministers to guard against the hateful article of the treaty of 1783, and to exclude the French, American, and foreign fishermen from the narrow seas and waters of these northern Colonies, stating that her inhabitants procured a living by their industry on those waters, which unquestionably belonged to Britain; she urged that if American citizens were to obtain the right of entering the gulfs, bays, harbours or creeks of these Colonies, that there would be no security against illicit trade, and the numerous evils inevitably attending such intercourse—that the sentiments, habits and manners, both political and moral, of the lower order of Americans, were dangerous and contaminating, that it was the first and most fervent wish of these Colonies to be completely *British*, their surest defence,

and greatest blessing, and that the intercourse permitted by that fatal article of the definitive treaty was detrimental and ruinous; seizures were made by the British cruisers on the station, and the judgment in the case of the Nabby hereto annexed, marked No. 1, exhibits the view then entertained by Colonists, of their rights of Fishery, and the advantages resulting from the war of 1812. The United States dissented from the doctrine maintained by Great Britain, and after protracted negotiations and various proposals, the convention of 1818, under which the inhabitants of this Colony have been a second time stripped of their national rights was agreed on, and, disregarding the voice of the people, the Minister of that day consented that the United States should have for ever in common with British subjects the liberty to fish on the southern coasts of Newfoundland, from Cape Rae to the Ramau Islands, on the western and northern coasts of Newfoundland, and from that Cape to the Queron Islands, on the shores of the Magdalen Islands, and on the coasts, bays, harbours and creeks, from Mount Jolie, on the southern coasts of Labrador, to and through the straits of Belisle, and thence indefinitely along the coast northerly, but without prejudice to the exclusive rights of the Hudson Bay Company, and that the American fishermen should also have liberty for ever to dry and cure fish, in any of the unsettled bays, harbours, and creeks of the southern coast of Newfoundland, as above described, and of the coast of Labrador, subject after settlement to agreement with the proprietors of the soil. In consequence of the above stipulation, the United States renounced for ever the liberty of fishing within three marine miles of any other part of the British coasts of America, or of curing or drying on them; but American fishermen were to be permitted to enter bays or harbours on the prohibited coasts for shelter, repairing damages,

and purchasing wood, and obtaining water, and for no other purpose whatever, subject to the restrictions necessary to prevent abuses. Thus, in the face of the decisions of our courts, of petitions from Nova Scotia, Newfoundland, and the merchants of London, interested in the Colonies, the foregoing fatal treaty was proposed, agreed on, and completed with such marked secrecy, that none were apprized of its terms, until it appeared in the public prints, and the people of this province deprived of their most valuable birthright—*The Fisheries*.

“The advantages conferred on the citizens of the United States of America by the foregoing policy, was received by them, not as a boon, but a right. Although the war of 1812, had abrogated the treaty of 1783, the Minister Plenipotentiary of the United States, who negotiated and settled the new convention, to use his own language; said—‘It was by *our* act that the United States *renounced* the right to the Fisheries, not guaranteed to them by the convention. We deemed it proper, under a three-fold view—1st, to exclude the implication of the Fisheries secured to us being a *new* grant.—2d, To place the rights secured and renounced on the same footing of permanence.—3d, That it might expressly appear that our renunciation was limited to *three* miles from the coasts. This last point we deemed of more consequence, from our fishermen having informed us that the whole fishing ground on the coast of Nova Scotia extended to a greater distance than three miles from the land: whereas, on the coast of Labrador, it was universally close in with the shore. To the saving of the exclusive rights of the Hudson’s Bay Company, we did not object.—The charter of that Company had been granted in 1670, and the people of the United States had never enjoyed rights of that Bay, which could trench upon those of the Company. Finally, it is to be remarked, that the liberty of

drying and curing on certain parts of the coasts of Newfoundland, as secured in the article, had not been allotted to the United States, even under the old treaty of 1783.' When the convention was made public, the article on the Fisheries was assailed by complaints from all quarters, and none more loud or just than from Nova Scotia; galled by the recollection of the treaty of Paris in 1814, the Colonists felt that Great Britain when flushed with conquest, and wearing the laurels of victory, had yielded to the intrigues of the vanquished, and alienated the rights of her subjects, they felt the utter hopelessness of breaking the treaty; that the fate of the Fishery was sealed, and were lulled into submission by the intimation of the Ministry, that bounties would be granted upon their fish, to compensate for the disadvantages inevitably imposed. In Nova Scotia, the information produced gloom, distrust, and despair; they were, however, still composed by the assurances of Government, that their remaining rights should be protected, that the naval force would repel infringers of the treaty, and the flag of England would insure safety to the industrious class engaged in the laborious pursuit of the Fishery; and the Colonists were assured, that the vigilance of the naval force would shut out the dangerous rivalry of foreigners, at least in the Fishery, within three marine miles of the coasts of Nova Scotia. How far their anticipations and hopes have been realized, the annexed mass of testimony proves.

“ The Committee further report that the construction of distinguished lawyers and the legitimate construction of the convention is, that the citizens of the United States cannot conduct their fishery within three marine miles of the headlands of the coast of Nova Scotia, and have no liberty to enter the bays, harbours or creeks thereof, except for shelter, and to purchase wood or obtain water, and only then on proof of having left their own

ports sufficiently supplied for the voyage ; yet, on inquiry and hearing evidence it is proved beyond all doubt, by witnesses of unquestionable character, that the fishing vessels of that country resort to our shores, with as little concern as they quit their own—that, contrary to the terms of the convention, they purchase bait from the inhabitants, and in many instances set their own nets within the harbours of the province, and on various occasions have, by force, coerced the inhabitants to submit to their encroachment, and they land on the Magdalen islands and pursue the fishery therefrom, as unrestricted as British subjects, although the convention cedes no such right. The consequences following in the train of these open violations of a solemn treaty, are illicit trade—destruction of the fishery by the means of conducting it—interruption of that mutual confidence which ought always to exist between the merchants and fishermen of a country, inducing the former to supply and the latter to make payments with punctuality ; and finally, the luring from our shores, by means of bounties, the youth of our country to their employment, reducing our population, and impoverishing our province, while they add strength and vigour to their own—for proof of which, your Committee refer to the documents hereto annexed, and numbered from 1 to 3.

“ The Committee further report, that the mode of taking fish by the Americans, particularly mackarel, has a tendency to impair, and will ultimately destroy the fishery : they approach within the prescribed limits, and by the use of bait, tole the fish into deep water, and then take them by jigs, a system destructive to the fishery, by wounding more fish than are taken, which afterwards linger and die, and by detaining them so late by offering food, that the mackerel return to the westward, an im-

mense distance from land, and beyond the reach of net or shore fishermen.

“ The Committee have also enquired into the encouragement given by the Americans to their fishery, and find that they fit out their vessels on shares ; that the Government allows 4 dollars per ton to all vessels between thirty and ninety tons, in the cod fishery, provided they are engaged one hundred and twenty days in the voyage, and dress and cure the fish they land ; that one half is usually given to the crew, and the other retained by the owners, and thus a direct bounty is offered to the youth of the colonies to join them ; to the extent of the bounty on the fish which passes for American, and the duty imposed on foreign fish ; to illustrate which, the Committee suppose a native fisherman, owner of ten quintals of round or undressed fish, joining the people of the United States, he obtains a bounty, enters them in the United States duty free, and avails himself of a good market : if he adheres to Nova Scotia he obtains no bounty, is compelled to bear the fluctuations of market, or if he seeks the United States, is met by a heavy duty, in addition to which the outfit from that country is generally more economical.

“ Your Committee further report, that by the convention of 1818, and the 59th George 3d, all vessels not navigated according to the laws of Great Britain, found fishing, or to have been fishing, or preparing to fish, within certain distances of any coasts, bays, creeks or harbours whatever, in any part of his Majesty's dominions in America, not included within the limits specified in the first article of said convention, are liable to seizure ; and therefore, they are of opinion, that by restricting the fishing vessels of the United States to a distance of three marine miles from the head lands of Nova Scotia, they, as a matter of course, close the gut of Canso against them,

under the terms of the treaty, it being impossible for vessels fitted out and apparelled for fishing, to pass that strait without infringing the spirit and letter of the convention.

“The Committee further report that the present situation of the fisheries of Nova Scotia is appalling; close to inexhaustible sources of wealth, to which the attention of thousands has been devoted for nearly a century, and from which most munificent returns have been received for the labour bestowed, the whole is paralyzed by the interference of other nations, and the people must abandon the net and shore fishery hitherto pursued—follow the example of their rivals, and adopt a mischievous and ultimately destructive system, or call on the Government to enforce the treaty by which so much has been ceded, and so little retained, and even that now invaded with impunity; this latter alternative the Committee strongly urge on the House, and while they reflect on the policy of Great Britain to preserve a monopoly to the tonnage of her country in all maritime adventures, that her insular situation requires nurseries for seamen to preserve the dominion of the ocean—that a tacit recognition of our claims for rigid protection was evinced at the execution of the convention—they hope that instructions will be given to guard the few remaining rights the people of Nova Scotia still possess.

“Finally, the Committee report that the youth of the province are daily quitting the fishing stations, and seeking employment on board United States vessels, conducting them to the best fishing grounds, carrying on trade and traffic for their new employers with the inhabitants, and injuring their native country by defrauding its revenue, diminishing the operative class, and leaving the aged and infirm to burthen the community they have forsaken and deserted.”

From the evidence appended to this Report we find that vast numbers of United States vessels are in the constant habit of infringing the convention by which they are bound not to fish within three miles of the British shores, that by their violation of this convention they have been enabled to take at one spot as many as 40, and 50,000 barrels of herrings in a single spring, that, in another instance, seventy American vessels took in two successive Sundays 16,800 barrels, worth about 30,000*l.*—that they in many instances carry on a smuggling trade—that they use a method of taking mackarel which is ruinous to the fishery, as they destroy twice as many as they take—that our fishermen “cannot move on our own fishing ground without being interrupted and jostled by these foreigners—on every tack insulted, browbeat, *and their property destroyed within hail of our very shores*, and it is no matter of surprise that our fishermen exclaim in bitterness of spirit, *that it is unfortunate for them to have been born under the British flag*, a flag that protects the oppressed round the globe, them excepted;” and in short, that “if some prompt and speedy measures are not resorted to for the protection of our natural and inherent rights of fishing, it requires not the gift of prophecy to foresee the utter destruction of that valuable branch of our commercial wealth and Provincial revenue.”

Surely the Colonies are right in asserting,
“That, as the Fish are an article of universal demand—as they abound exclusively upon our own coasts—as many

towns and portions of this province and Cape-Breton now solely exist by the fishery—and as the prosperity of this province must depend upon a cautious and skilful management of those fisheries, the Americans and all foreigners should not on any account be permitted to participate therein.—And further, we do think it most unreasonable that the United States, an independent nation, should now enjoy and use privileges and advantages that properly belong to, and spring out of the soil, right and sovereignty of the British Empire. That the fisheries must be considered as belonging to the territory of Nova Scotia. *That the Americans have prohibited their own fishermen from pursuing that course of fishery on their own coast, which they follow on the coasts of this province, and have prevented all foreigners from using any privileges of fishery on their own coasts, while they themselves enjoy and exercise most extensive ones on the shores of these Colonies.*—And lastly, we say that the evil produced from the several causes referred to above, has been great and extensive in Nova Scotia, by depressing and preventing the commerce of the country, and of cutting off a principal source of wealth to the inhabitants.”

The result of the continued neglect on the part of the Mother-country has been “to induce a belief that our fisheries have been abandoned to foreign aggression, and that the only remaining chance of deriving any substantial benefit from them is to take refuge under the more liberal, and, as respects their claims, more just policy of another country; these sentiments, so unfavourable to the interests of Nova Scotia, have already induced numbers of our fishermen to embark in the American fisheries—and nothing short of the most prompt and vigorous

measures of protection and encouragement will restore the general confidence in the wisdom and judgment of our government in this respect, and prevent a great portion of our young and active fishermen from leaving the country."

One of the public officers of the province says :—

" It is grievous to a loyal subject to perceive the tone of alienated feeling that now prevails among the hardy fishermen of our shores, in consequence of daily and repeated violation of their rights by the haughty citizens of the neighbouring Republic, the infringement of rights solely and wholly theirs, and which affords this enterprising people a source of incalculable wealth. Whoever refers to the well-known fact that our waters are completely studded with their vessels, ably, diligently, and successfully, fishing during the whole season, will readily admit the correctness of the foregoing assertions—ninety of their vessels were at one time to be seen fishing from an island at the mouth of the harbour of this port, and consequently within our head lands.

" In order that I might be enabled to give every possible information to your honourable Committee on this most important subject, I called a meeting of our merchants and others, interested in the commerce of the province, which took place in the Court-House.—I have now the honour to state their satisfaction at the earnest and comprehensive manner in which the Committee has taken up the subject, and that it is an earnest of your determination that the aggression complained of will not be any longer submitted to.—The gentlemen present seemed unanimously impressed with a very strong and unpleasant conviction that no sufficient protection was afforded to our fisheries by the British Government, whose ships of war might as well remain on the other side of the Atlantic for

all the service they have ever been to the fisheries of Nova Scotia."

To add to this bitterness of spirit, the British Government, deaf to all complaints, has conferred another immense benefit on the aggressors at the expense of its own injured subjects. It has relaxed the restrictions upon American importations into our West India colonies, and now admits at a trifling duty, the fish plundered from our own people by the citizens of the United States.* Since this concession the present hostile Tariff of the United States has been framed and brought into operation. The value of British diplomacy on such subjects has not escaped the suffering Colonists, one of them says, "We do not conceive that it would be pos-

* "The consideration of the Chamber has been called to the disadvantageous competition under which the trade of this island labours from the admission of foreign caught fish, (chiefly American) into the British West India colonies, at the trifling duty of 2s. per quintal, which has been represented by memorial from the Chamber to the Right Honourable the Secretary of State for the Colonies; and his lordship's attention has been solicited to the remarkable fact that no sooner had this liberal measure of our government passed into a law, than the Americans passed a new tariff, in which they raised the duty on British-caught fish to one dollar per 112 lbs.; thus completely excluding our fish from their markets, while we have thrown open our colonial markets to their fish at less than half the rate of duty imposed by them. They have also levied a duty on our seal-skins by the new tariff, which formerly went into the United States duty free. The Chamber made no comment on this decided want of reciprocity between the two Governments, but merely called Lord Stanley's attention to the facts."—*Times and General Commercial Gazette, St. John's, Newfoundland, August 9th, 1843.*

sible to enter into any arrangement without conceding much greater advantages to the Americans than any equivalent they have to give in return; *former experience teaching us that their diplomatists understand the art of making commercial conventions and treaties much better than ours.*"

RENEGADE DECAPITATED AT CONSTANTINOPLE.

THE minds of our countrymen have been somewhat agitated, by the recent execution of an Armenian renegade at Constantinople, for having in the streets of that capital openly reviled the religion he had embraced.

The following letter from Dr. Lazarian has lately appeared, on this subject, in the *Morning Chronicle*, and will be read with interest by some at least, although we cannot hope that it will find any acceptance among the multitude. He is an Armenian Catholic priest, and attached, strange as it may seem, to the laws of Turkey, his native land, and the person of her sovereign. He detests foreign interference, even where the protection of Christians like himself is the object. Being the ally of law and right, he most righteously distrusts *that* Christianity, which wears the garb of conspiracy and revolt. What we call intervention, he knows to be *crime*. There is Russian intervention, and there is French:—there is English, Austrian, and Prussian intervention: each one as criminal as the other, while all, *but one*, are stupid and unconscious. Of each rival “protector” in its turn, the Porte is to be made the tool, for the purpose of vexing her own Christian subjects, and forcing them to seek, each from his foreign accomplice, (or patron,) the means of vexing the rest. “We should be,” says Dr. Lazarian, “much better off, had we no other protector than our Sultan!”

Such is the feeling of Oriental Christians, and the people here will not understand it. They are determined to see, in every Turk, a blood-thirsty and unbelieving man, in every Christian subject of the Porte a martyr or at least a confessor. The Turk venerates his country's laws and he enforces them. Be they good or bad, no foreign state has anything to say in such a matter. On the present occasion, Sir Stratford Canning, in the face of every law recognised among mankind, tenders an angry protest against the undoubted right of the Turks to maintain their own laws and to obey them, and then talks of civilised governments, and public opinion. Then Downing Street echoes the incoherent language of its minister. Then the newspapers take up and prolong the note, being chiefly impressed with the circumstance that, on this occasion at least, Sir Stratford Canning has stolen a march upon all other Diplomats, has shaken off that subservience which disgraced our policy upon the Serbian question, and taken the lead out of Russia's hands! Not seeing that, having led Christian Europe to assault Turkey, she now has to make out a protectorship of Musselman law or prejudice against Christian interference.*

We could quote a parallel case to the present, which did not excite, at the time, the commiseration of Europe for the sufferer, nor its diplomatic interference, nor its public reprobation. Under

* And, while this is going on, in steps the French ambassador, insisting upon the French flag being raised in the "Holy City" of Damascus!—*Ed. Port.*

Mahmoud the Fourth, a renegade openly reviled the faith he had abandoned, and was, on this account, and in obedience to the law, decapitated. This renegade was a Christian monk, and the name he reviled was that of Jesus!

The protestation of this Christian subject of the Porte may not enlighten, but it will testify against us.—When consequences fail to strike, what chance have words which can represent only laws and rights long ago forgotten?

TO THE EDITOR OF THE MORNING CHRONICLE,
Ford's Hotel, Manchester Street, 17 Sept. 1843.

MR. EDITOR,

The newspapers are occupied with the case of a certain Christian of my nation, who recently suffered at Constantinople the extreme penalty of death, for what is admitted to have been an infraction of the laws of the Empire. Sincerely attached to that empire, not only because it is my native country, but because of the wonderful kindness and consideration which my own church, and every other Christian communion have almost invariably received from its authorities, and every class of its Mussulman subjects, I am induced to trouble you with a few brief observations on the lamentable occurrence in question, which I leave it to your sense of justice to insert in an early number of your impartial periodical. If they should have the effect of calming the popular mind, excited by a mell-meant but fanatical agitation, I shall have deserved well of England, while, towards my own country, I have but endeavoured to repay a debt of gratitude and justice.

In the first place, Sir, I confidently assert that no

Christian, within the recollection of any living man, has been persecuted by the Turkish Government, merely by reason of his being a Christian, or practising Christian worship. The government, is in the habit of granting to all denominations of Christians facilities of public and private worship, such as, I believe, no other country, (and certainly not England,) can shew. There is not a rite in Constantinople but enjoys its own laws, and forms of government and administration, without the least interference on the part of the Mussulman powers. We have our processions, on festivals, in the public streets of the capital, where the Cross is triumphantly displayed. On Corpus Christi there is the Blessed Sacrament, more revered by the bystanders, than it is in certain so-called Christian capitals. It is true that this happy state of things sometimes suffers interruption: but when?—Only when some European power has remonstrated with the Porte, against the too great toleration shewn to some one body of Christians, and in favour of its being confined to some other body of which that power has made itself the protector. Thus, Russia has many times made it a stipulation with the Porte that her own religionists should be favoured, and all others persecuted; and, when weak and powerless to resist her, the Porte has been forced to obey. The same is to be said of French, Austrian, and, let me add, English interference too; and will, I doubt not, have to be said of Prussia, now that Prussia has got a consular bishop at Jerusalem. I speak the sentiments of all Eastern Christians, of whatever communion, when I say that we should be all much better off, if we had no protector but our own revered and beloved sovereign, Sultan Abdul Medgid.

The facts of the case are briefly these. Some time ago, my countryman, hoping to advance himself in a temporal point of view, made application to the tribunals to admit

him to Islam. He was therefore subjected to the very rigid examination to which, by the law of Islam, all intending converts must submit before the permission can be granted. Three times the examination was repeated, with every precaution that the utmost circumspection could suggest to detect or prevent imposture. Unhappily, my countryman's ingenuity triumphed, and he was admitted to the privilege he sought. Disappointed in the expectations he had formed of personal advantage, he afterwards determined to renounce Islam, and for this purpose went to Syria, where he became a Greek. By this step he, by the laws of the country, made himself liable to a capital punishment. But, had he chosen to remain absent, or even to return to a *quiet* life in Constantinople, he well knew, from the experience of others, in a similar position to his own, that he would have never been molested by the Government, nor even by the populace. Such, however, was not the course he took. He returned to the capital, and there, in the very streets, publicly spoke against Islam.* The people, scandalised by his imprudent language, arrested him, and forced the government, which had hitherto hung back, to interfere. They were bound to interfere, by a fundamental law of the monarchy, which it did not depend upon them to repeal, far less to disobey. I question whether even the ecclesiastical authority had the power either to repeal or suspend it. Certain I am that no such power is possessed by the temporal government. Under these circumstances, the government found themselves obliged to content the excited populace by decreeing the enforcement of the law against so contumacious an offender. Nothing in their power that could soften his lot was spared, and, had he been so unfortunate as to relapse into Islam, his life would have been readily granted

* He had previously abjured the Greek and resumed the Armenian rite!—*Ed. Port.*

him. He had the firmness not to do this. He had before his eyes the examples of several Greeks, who, ambitious of posthumous fame, had at various times publicly embraced Islam, in order publicly to abjure it, and thereby to ensure the "martyrdom," which otherwise the tolerant laws of the empire denied them.* He was not tortured, but when the weeks of respite had expired, he was brought out of prison, and suffered death by simple decapitation.

This then is the "barbarism," of which the newspapers are declaiming! An ambitious, and I fear, unprincipled man is guilty of the deliberate, ostentatious, and offensive violation of religious and temporal laws, by which a highly exciteable people are governed and kept together. The people become exasperated. They drag him before the tribunals, and demand the application of the law. The law takes its course. The tumult is staid. Christian and priest as I am, in all this I can see a great respect for law, but surely no "barbarism!"

"I am, Sir,

"Your obedient Servant,

"NARSES LAZARIAN,

"(*Armenian Priest and D.D.*)"

Since writing the above, there has appeared in the *Morning Chronicle* the following reply to Dr. Lazarian's letter.

TO THE EDITOR OF THE MORNING CHRONICLE.

"SIR,—Do spare me only a corner, to wipe away the slur on the liberality of our nation, on which I think an Armenian priest has reflected without cause, in a letter inserted in the *Morning Chronicle* a few days since. He complains of no Popish processions being allowed in our streets, and hence he takes an opportunity of extolling the

* Such men as commit suicide in England!—*Ed. Port.*

superior generosity of the Turkish government over that of Old England. Let him, however, remember that the English government never cut off the heads of Protestant converts to Popery, nor prohibit the people from becoming Roman Catholics on pain of death! Would it be so in Constantinople? Your constant reader and sincere friend.

“ VERITAS.”

“ P.S. If the decapitation of forced converts and apostates forms a part of the Mahometan laws, it is time it should be done away with, in any country wishing to lose the name of *barbarian*. ”

The question is not whether “ the *English Government* ever cut off the heads of Protestant converts to Popery, or prohibit the people from becoming Roman Catholics, on pain of death; ” and therefore we are *not* called upon to “ remember ” that point. The question is whether the execution of this Armenian-Mussulman-Greek brawler, was a thing which the *Turkish Government* could or ought to have avoided. That is to say, ought the laws of Turkey to have been obeyed or violated? Dr. Lazarian’s letter answers these questions one way; that of “ Veritas ” answers them another. The Turks, says the former, love their laws too well to permit their infraction by the Government. Therefore they are “ barbarians, ” argues the latter; the love of law and the joy of obedience are mere “ barbarian ” appetites! The sentiment is natural enough. “ Veritas ” writes for and among a people who have long lost the sense and value of their laws; how should he or they appreciate the respect which other nations have for their own?

But "Veritas" calls for a reform of the Mahometan penal code ! Without stopping to enquire by what right he does so, we tell him that a similar demand had better be addressed by him in the first place, to our own Legislature. The *Law*, (though certainly not the "Government") of England does in fact "cut off the heads of Protestant converts to Popery, and prohibit the people from becoming Roman Catholics, on pain of death !" Such is still the law of this most "civilised," critical, and Christian country, as we find from the following passages of a law-book published in London, and so recently as 1842.*

"Non-juring and unqualified Roman Catholics are still liable to capital and other punishments, as traitors, under certain unrepealed statutes. The next Act (23 Eliz. c. 1.) refers to the same subject. The penalties of High Treason are enacted against any person who shall, by any means, be willingly withdrawn from the Established religion to the Romish religion, or absolved, or reconciled, or promise obedience to any pretended authority of the See of Rome, to be had or used within the Queen's dominions !"

It is true that, although this law exists, it is not respected nor enforced. But far from being an excuse, this one circumstance is our condemnation. Talk of "barbarism" indeed ! Who is the "barbarian" ? the man who sedulously fulfils the law, or the man who sedulously breaks it ? If the law be too bad to be obeyed, it must be repealed. If it be wrong to repeal it, it must be right to obey, and

* Guide to the Laws of England and her Colonies, affecting Roman Catholics ; by T. C. Anstey, Esq. pp. 29 to 33.

highly criminal to violate or neglect it. None but "barbarians" of the worst sort,—that is to say, outcasts of civilisation,—would dream of making or retaining laws which it was intended to infringe, and so far as infringement could affect it, to extinguish ;—a systematic infringement, which has the property of destroying in the minds of the people the sense and value of every law and every obligation !

Now it is a fact, which we do very well "remember," that, in 1841, Lord John Russell distinctly refused to pledge himself, to a Roman Catholic deputation, to take any steps towards the repeal of these penal laws. And it is another fact, that, in the summer of 1842, the same subject was mooted by Mr. Duncombe in the House of Commons, and, upon the recommendation of the Criminal Law Commission, the repeal of these laws proposed. And Sir James Graham, in the name of all the Cabinet, for reasons unspecified, but alleged to be reasons of "weight and delicacy," distinctly refused his consent to the repeal of any one of them ! And the House of Commons acquiesced in the refusal, but, like the Minister, took no steps for enforcing laws which it was determined to retain ! And those laws are, to this hour, both by the people and their rulers, openly, scandalously, and unceasingly disobeyed ! And still those laws are retained upon the Statute Book, and still their repeal is resisted ! If "Veritas" be right, England is *not* "a country wishing to lose," but is most ambitious to deserve "the name of barbarian !"

Correspondence.

THE ECCLESIASTICAL POLICY OF RUSSIA.

TO THE EDITOR OF THE PORTFOLIO.

SIR,

Belgium, 14th August, 1843.

THE appearance on the political horizon of a periodical, conducted upon *just* and *national* principles, and that without any reference to party interests, appears to me no less than a moral phenomenon. At a time when society is considered as merely an agglomeration of individuals, each pursuing a private end, such a publication, whatever may be its ultimate success, commands the best wishes of every honest man, and particularly of all those who have faith in the future destiny of England.

In the New Series of the *Portfolio*, of which I have as yet seen only the first Number, I was not a little struck at the considerable space devoted to Russian affairs. *Russia*, in my humble opinion, is the capital question of modern politics, and I am happy to see that public attention has been directed to the machinations of a government, the real policy of which appears hitherto to have been but imperfectly appreciated in your country.

It is not, however, as the promoter of international discord in rival states, nor as the head of a secret and extensively organised police establishment, that Russia is principally to be feared. She nourishes a plan more subtle and more astute, and that plan is no other than the foundation of a Slavonic empire, and of course a Slavonic church.

The means of attaining this great end are more advanced

than is generally supposed; and amongst the most important of these, must be reckoned the complete subserviency of the ecclesiastical authorities, by which means a people highly religious, with a marked tendency towards an excessive and superstitious veneration of authority in general, are delivered, bound as it were hand and foot, by their spiritual pastors, to their temporal oppressors.

The political influence of Russia dates no further back than the reign of Peter the Great. Yet, at the present moment, that power has succeeded in insinuating itself into all the great political questions which agitate the different governments, not only of the north, but also of the west, and even of the south of Europe. The diplomatic agents of Russia, official or non-official, are to be found in every direction;—and these agents, who are generally men possessed of talent, and released from all restraining principle, acting in concert with others in the pay of the secret police, contrive to furnish the Russian government with the earliest, and the most correct intelligence, on all matters regarding its interests. Not a single political intrigue passes, on the obscurest theatre of the diplomatic world, without the active intervention, ostensible or occult, of a Russian agent.

One of the most remarkable peculiarities of Russian diplomacy, from the Emperor downwards, is the high tone of noble disinterestedness, and the deep sense of justice, which are the constant end of all its acts.

Despite the presence of proofs innumerable, and hourly occurring, the Russian Government, its agents, and even its supreme head, continue to protest with a degree of gravity which would be ludicrous, if it were not so deeply atrocious, and so eminently successful, that they desire but one thing upon earth, the good of man, and the triumph of right.

Thus, the friends of order, particularly those who are

justly alarmed by the increasing exigencies of democracy, are inclined to look favourably upon that coalition, of which Russia and Austria are the principal supports; and even the personal character of Nicholas, who has given frequent proof of extraordinary energy, seems to point him out, as the man destined by fate to re-establish the reign of legitimate power, and to close for ever that revolutionary abyss, which threatens to swallow up all the ancient governments of Europe.

The real object of Russia is, however, very different from the maintenance of that which is apparent. Without pretending to assert that these are her ultimate hopes, no one who is tolerably acquainted with the history of that country for the last century, can doubt for an instant, that the plan of Catherine the 2nd, for the re-establishment of the Eastern empire upon the ruins of the Ottoman power, has directed the policy of all her successors. What would be the real position of the various European governments in the West, in presence of such a power, I shall not attempt to determine, nor shall I stop to examine, at any length, what chances of success such a plan might offer. That it is seriously entertained at St. Petersburg, no man in his senses can doubt, and no man can doubt that the rest of the world is interested in such a contingency.

Those who have devised this vast plan have also organised the means for its execution. The first of these is national unity. But, in a nation composed of nations and tribes so diversified—Russians, Poles, Germans, Cossacks, and endless others,—what ground of union could be formed? There can be but one possible connecting link, namely, that of Religion. A state Religion was therefore to be inculcated—and, for this purpose, the ground had to be cleared, and all existing religions opposed to this to be rooted up.

No considerations of humanity or of justice have stood in the way of this preparatory devastation, and, instead of diminishing in intensity as it has advanced and extended in its operations, it has increased in severity, so as even to menace, through the impetuous zeal of the present Emperor, the complete destruction of that church, which is the chief obstacle at once to the plan of religious and political union—the Catholic. These events have at length aroused the indignation of the Holy See, and, in the official documents it has lately published, the Russian government is held up to public execration.

But the extirpation of other faiths would be of no service to the Russian policy, unless it had made its own church the fit instrument of its design. Formerly, the head of the ecclesiastical hierarchy was, in Russia, a person of great political importance. His fiat, backed by the enthusiasm of the people, and seconded by the efforts of that portion of the aristocracy, which ambition or other causes always render disaffected, was at times sufficient to operate some of those sanguinary revolutions of which the history of that country is composed. The first act of the real founder of the autocratic power of Russia was therefore to remove this redoubted obstacle.

The Czar, in whose character were united the extremes of violence and dissimulation,—Peter,—without an apparent effort, seized and transferred into his own hands, the authority, which had proved so great an obstacle to the ambition of the Czars. This was first effected by keeping vacant the Patriarchal chair. For a period of nearly twenty years, the ecclesiastical affairs of Russia were managed by a commission, at the head of which was the Emperor. At the end of that period, finding himself firmly seated in power, he threw off the mask, and declared the office of Patriarch, or supreme head of the Russian hierarchy, suppressed, and its place supplied

by an ecclesiastical synod, to which, of his own authority, he affixed the epithet of "*most holy*."

This synod is the state engine by which the Czar and his various successors have contrived to confiscate all the privileges of the Russian church, and at once to prosecute two apparently opposite aims—the obliteration of the authority and will of the Russian church, and the proselytism to that church from all other faiths. The following extracts illustrate the nature of this curious institution; they are from the pen of one of the initiated:*

"This assembly, which received also the title of *directive*, (*assemblée dirigeante*) in common with the Senate, had, for its principal attribution, the promulgation of the imperial ukases on ecclesiastical affairs; as the Senate had for its principal attribution, the promulgation of those imperial ukases, which relate to civil affairs and to the general administration. From whence it results, that this *most holy* assembly is a mere tool in the hands of the Emperor. And, to prevent the possibility of its ultimate emancipation from a function so purely servile, the Emperor, in composing it of the principal dignitaries of the empire, took care not to give it an ecclesiastical presidency, which, in the hands of a courageous prelate, might have rallied around it the principal heads of the Russian clergy. He preferred, and that for an excellent reason, a lay officer, with the title of *procurator*, (*ober-procuror*), with whom originates all its deliberations, not one of which can take place but upon his *requisition*, slightly masked by the term, *proposition*. This functionary, who is always chosen amongst the great officers of the state, is charged exclusively with all that relates to the *preparation*, and the *execution*, of the pretended decisions of this assembly; he is at the head of a nu-

* Persécution et souffrances de l'Eglise Catholique en Russie; par un ancien conseiller d'état en Russie.

merous administration, composed exclusively of laymen, amongst whom, as if to complete the derision, are to be found even military officers.* He alone communicates with the sovereign, receiving, upon the reports which he has himself drawn up, the decisions of the Emperor, which he communicates to the synod; after which, he renders an account of the resolutions adopted by the assembly, merely as to the means of carrying the Emperor's wishes into execution."

"It would be difficult to imagine a more complete system of servility than that which we have just exposed to the reader, or one in which the ecclesiastical is more completely at the mercy of the civil power. But to have a correct idea of the immense power of the Procurator, it is necessary to bear in mind, that all the promotions in the episcopal order take place upon his proposal; that it is he who solicits for the different prelates, the various honorary distinctions, of which the sovereign so lavishly disposes; and that upon him alone it depends, to call down the imperial displeasure upon one or other of the prelates under his direction. One may easily imagine the terror which his disapprobation inspires, the mildest consequences of which are exile to their respective dioceses, and a renouncement of all hope of future promotion. This absolute despotism gives us the exact measure of the base servility with which his orders are received and executed."

—p. 16.

Several recent cases prove their inexhaustible complaisance; at the head of which may be placed the divorce of the late Archduke Constantine. The author lays open the other secret influences by which the Russian government has succeeded in completely reducing to subjection

* The present procurator of the synod, Count Protassof, is Lieutenant-General, and Aide-de-camp to the Emperor!

the whole body of the clergy, and that by the very system of its constitution. But already more than enough has been said, to prove the real spirit of that government, in its conduct towards a clergy which is eminently *national*, and completely submitted to the wishes of the Autocrat. What then must be its feeling towards the *Catholic hierarchy*, in which nationality is necessarily subservient to orthodoxy, and loyalty to spiritual obedience?

In appreciating the vast and well-combined plan of the Russian government, for the complete subjection of the spiritual authority, and for turning it into an engine of political power, it is necessary to bear in mind that the measures above alluded to were merely preliminary to a general attack upon the Catholic religion. The schismatic national Church is an admirable institution for its insidious purposes, on account of the close analogy of its outward forms with those of the orthodox Greek Church, the religion professed by a great number of the inhabitants of the western provinces. The violence and fraud, which have been lately employed, in depriving the orthodox religion of its convents and churches, and in placing them under the direction of priests of the schismatic Greek Church, have been brought to light by the publication at Rome of official documents, and the Emperor in these acts is only the representative of the feelings and desires of his nation in attacking, and by such unlawful means, the Catholic religion.

This hatred of the Catholic religion is necessarily mixed up with the hatred of Poland, since Dmitry, in his ill-directed attempt to re-establish the ancient faith, was seconded by the Poles, whose triumphant arms placed him upon the throne of the Czars.

Poland and Catholicism may then be termed the two capital objects of Russian hatred; because the one is opposed to civil, and the other to religious servitude, and the

first death-blow aimed at Catholicism was of course in Poland.

At the moment of the consummation of that most atrocious act of iniquity, the partition of Poland, Catharine the Second, felt the necessity of assuring, to her new subjects, the formal right of the free exercise of their religion. A Protestant by birth, as by education, this notorious woman, whose licentiousness was only equalled by her impiety, adopted a line of conduct which may be considered as *liberal*, when compared with that of her successors. The negotiations with the court of Rome were conducted with a proper deference to its religious supremacy, and a free intercourse with the Holy See was assured to the ecclesiastical commission or college, to whom was entrusted the management of Catholic affairs.

This very institution was, however, destined to become one of the principal sources of tyranny, and that by the criminality and connivance of its own members. So powerful are the means of corruption in the hands of an immoral and absolute government! To this commission was attached an imperial procurator, whose presence was completely harmless, so long as its members were faithful to their mission, and so long as the final and direct appeal to the court of Rome was maintained. But this supreme guarantee being destroyed by the Emperor Alexander, aided by the culpable connivance of the metropolitan Stanislas Siestrencévecicz-Bohusz, the Catholic commission was reduced to the level of the *most holy* synod, and is at the present moment, like its prototype, a mere engine of state tyranny and corruption; the *Procurator*, who is not even a *Catholic*, being its real head.

In an age like ours, when the sacred rights of freedom of conscience are admitted to be the unalienable birthright of every moral being, nothing excites a more profound indignation than religious persecution; and all honest and

liberal-minded men, both Protestants and Catholics, will join in holding up to public execration the policy of Russia, in its attempt to crush a set of men, whose only crime is, that they happen to be an obstacle to her wild dream of establishing a vast *Slavonian empire*, cemented together by a national language, and under the sole influence of a national Church, of which the Emperor is to be the supreme Pontiff.

The ecclesiastical commission, with its lay president, made lately the attempt to change the canon of the mass, by the introduction of certain prayers for the Emperor. In vain, for some time, the Catholic prelates represented to their *lay president*, who was little versed in such matters, that they had no authority to tamper with a thing so sacred as the canon of the mass, and that the Pope alone could introduce any change in that part of the liturgy, which was common to the whole Catholic Church. It required the utmost address to arrive at a sort of compromise, by which the prayers were introduced at the end of the mass, and before the final benediction upon days of grand solemnity, when the blessed sacrament is exposed, that the whole congregation may be obliged to assist at this act of constrained loyalty ! This is, however, but one amongst the many acts of tyrannical interference, by which the Russian government attempts to undermine the Catholic religion. The author produces a series of official documents, which prove that the Sacraments can only be administered, in certain cases, at the most imminent peril of the officiating priest ; and these rigorous penalties are extended to all persons quitting the *national* Church and becoming Catholics ; whilst those who quit it, to join a sectarian body, are unmolested. These, and various other measures of religious persecution have been lately crowned, by a grand fiscal operation, which is neither more nor less than *the total confiscation of all ecclesiastical property, throughout the nine Governments.*

In a purely political point of view, this profoundly combined plan of Russia, for the annihilation of the spiritual authority, is a thing not to be disregarded. It is of the highest importance to the Russian Government, to reduce its Catholic subjects to the same state of servile subjection as the members of the National Church. This however is difficult, not to say impossible ; as is proved by the efforts of so powerful as well as dangerous a kind made to eradicate catholicity, by a government devoid of all religious belief, composed of strangers to the soil and the faith of Russia, who have only political ends, and who would never have persecuted the Catholic hierarchy, had it not been for the difficulty of corrupting and enslaving it. Such of your readers as may be curious to study the means, by which the Russian Government is arriving at that end, will find the most ample and most curious details in the work to which I have above alluded, written by one of its own agents, who has probably allowed his indignation to get the better of his discretion.

The cabinets of the West, in allowing the annihilation of Poland, have committed a most egregious fault, inasmuch as they have thereby destroyed the only effectual barrier to the future aggressions of Russia. I do not allude here exclusively to the march of hostile armies, but rather to the encroachments of Russian principles and Russian influence. These encroachments may yet be resisted ; but they can only effectually be resisted, by *principle*. Power alone will fail, from the absence of a common centre. Political exigencies and commercial convenience may indeed unite men to a certain extent ; but the specious reasoning and the apparent liberality of Russia will easily throw them off their guard. But, as long as Catholicism exists, that great spiritual association, which under the name of the Universal Church, extends its vast ramifications throughout the civilised world, will ever protest

against the preposterous pretension, of confiding to the same hand the supreme authority in *religious*, as well as in *civil* affairs. This Russia well knows; and hence her unceasing efforts to exterminate the Catholic religion, and to erect in its place a national Church, prepared to second her political views. If England,—through listlessness, or from an affected indifference as to questions, which are contemptuously termed *religious*,—allows Russia to consummate her present purpose, she will speedily, and perhaps to her cost, discover the intimate relation which subsists between such questions and those which are exclusively *political*!

S.

STEAM-VESSELS TO THE BALTIC, AND RUSSIAN POLICE.

TO THE EDITOR OF THE PORTFOLIO.

SIR,—Permit me to draw your attention to a gross act of Russian impudence, consisting of nothing less than the establishment of Russian passport regulations on board the British steam-packets that are plying between London, Copenhagen, and Petersburg; by which the sway of the Russian Police is extended to the very port of the English metropolis. I should not wonder if the readers of the Portfolio would be so much astonished at this announcement as to make them inclined to disbelieve the truth of my statement. Proper inquiries could, however, not fail to convince them of its being a substantiated fact.

No passenger is admitted on board these steamers, which are the property of a British Company, without first shew-

ing to the captain that he is possessed of a proper passport. On the hand-bills issued by the Company, of which I enclose a copy—there is printed in large letters, “ NO PASSENGER CAN BE RECEIVED ON BOARD WITHOUT A PASSPORT, WHICH MAY BE HAD OF THE RUSSIAN CONSUL MR. BENKHAUSEN, NO. 2, WINCHESTER BUILDINGS, BROAD STREET.” This regulation I must designate as a flagrant interference with the rights of Englishmen, and a despicable compliance on the part of the Company, with the wish of Russia. The English law does not know anything of an obligation of a traveller who steps on board a British ship to shew a passport allowing him to undertake his intended journey. The company might *advise* the passenger to procure a passport before they leave England in order to evade unpleasant conflicts with the police at Petersburg; but there is not a shadow of right to enforce it as a *binding rule*, and to compel passengers to exhibit their passports to the officers of the Company, as if the latter were Russian policemen. The object of this rule however, is not so much to escape the severity of the police at Petersburg, as to establish a complete system of control and espionage on board those British vessels, which is proved by the fact that passengers are also made to shew their passports when the packets are home-bound, and even then, when they go on board at Copenhagen for London, in which case there is not the least occasion for the Company being anxious that such travellers should be furnished with passports, as there could not accrue any trouble to the company or passengers should the latter arrive in London without passports. It lately occurred to a friend of mine, who went at Copenhagen on board of one of these steamers to go to London, that he was ordered to shew his passport, but being sensible of the illegality of the rule, he flatly refused to comply with it or to leave the ship. The officer of the Company must have been afraid of incurring responsibility, for in

this he desisted from the demand. I would wish all travellers, either Englishmen or foreigners, going with these steamers would follow this example and refuse compliance with a regulation by which the Company has constituted itself a Russian police agent.

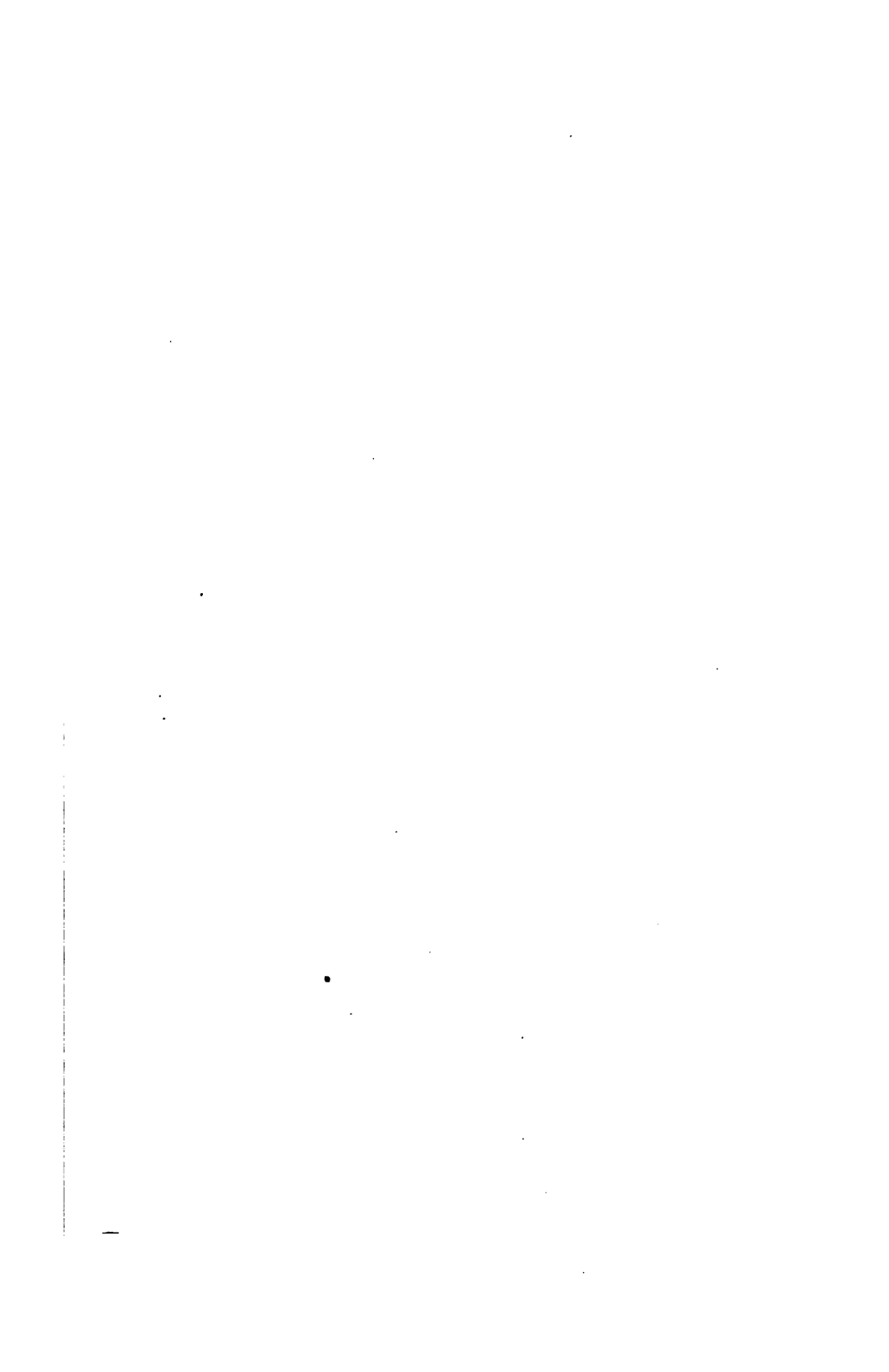
Who should not have thought that the Prussian Government, that devoted servant to Russia, was the only one in Europe who allowed Russia, by her severe passport regulations to trample upon the dignity of an independent state, and to set at defiance all international practice as adopted in the intercourse of civilized nations? But we have been mistaken, if the English authorities do not put a stop to the practice which I have undertaken to expose in this letter, and which, in point of international law, is by far less justifiable than the Russian frontier system against Prussia. A British vessel is British territory, and her being put under the influence of a foreign police, tantamount to an encroachment upon the independence of the national soil. When Russia, some time back made an attempt to extend her shameless frontier-system, by which she is harrassing the poor Prussians, also along the Austrian frontier, the Cabinet of Vienna successfully remonstrated, and it would be painful if the English Cabinet should prove less zealous of its dignity than Austria, by allowing the continuance of Russian police on board of British ships.

I remain,

Sir,

Your most obedient servant,

AN ENEMY TO INTERNATIONAL WRONGS.



REAPPEARANCE OF THE PORTFOLIO.

THE reappearance of this periodical, requires a few words of explanation, both with reference to the original and the present undertaking. Allegations and charges of various kinds there have been brought forward, not in a tangible way, so as to be met and refuted, but disseminated by insinuation and surmise. These have reference to the authenticity of the documents and the sources from whence they came ; the authority and sanction under which they were published ; the causes of the discontinuance of the work, and the change of measures on the part of the Government, under whose sanction it had been published. There are further charges of breach of confidence by the late administration against other countries, and against servants of the British Crown ; which affect the character and honour of the individuals whose names have been associated with this publication. We propose shortly to enter upon these subjects and we present, as a useful preparation for such an inquiry, an article upon the *Portfolio* taken from the *Conversations Lexicon*, a work of the character of an Encyclopedia of the highest authority, and the most extensive circulation in Germany.

This German Encyclopedia contains other important and elaborate articles upon the essential affairs of England. The work has been partially translated into English, and those articles *are excluded*

as not interesting to England. What more can be said? The passage through which man receives his breath is armed with a delicate organ endowed with a protecting sensibility, which closes the entrance to whatever is impure. The organization which admits thoughts and knowledge to the English mind—the press, seems equally armed with a mechanism of sensibility, this organ is irritated by that which is healthy; and serves to exclude from the knowledge of Englishmen, whatever, touching their duties and interests, they might owe to the labour or judgment of other lands.

We shall, as we find occasion, transfer to our pages from the Conversations Lexicon, some of these articles—for instance, on “Persia,” “Cabool,” the “Treaty of the 15th July,” “Circassia,” &c.

ON THE PORTFOLIO, FROM THE GERMAN.

(Translation from the Conversations Lexicon.)

THE very appearance of the **PORTFOLIO**, produced an effect such as never has been created by any other periodical. The first number appeared in London on the 28th of November, 1835, the 45th and last on the 27th of May, 1837. The announcement, "a collection of Secret State Documents," was sufficient of itself to excite curiosity, the more so, as these documents, whether by force or artifice, must have been wrested from the secret archives of Russia, and contained matter which ought above all things to have been kept a profound secret from the English Government. These were now published to the world by the order of the English Government itself; for this was what was believed, and it was impossible to suppose that it could be otherwise, and these documents were further accompanied by commentaries of a most hostile character. This event recalled the secret despatch which a Saxon Employé communicated to a Prussian Envoy, and which Frederick the Great, after his march to Dresden, made use of, to prove the justice of his cause, by revealing the designs of the Courts of St. Petersburg, Dresden, and Vienna.

Was this Portfolio then to be received as a Declaration of War on the part of England, or as a prelude to such an event? But how much greater was the astonishment of the public men when this publication met with no difficulty in entering the States of Austria, or of Prussia, or of any of those comprising the German Union, while a French publication concurrently appearing at Paris,* (about a thou-

* It was excluded from Hamburg under the influence of the Saxon censure.

sand copies of the English original were sent to the Continent) was excluded from Germany.

As remarkable as was the commencement, so also was the end of this periodical. It sank gradually as it were into the sand. But still more remarkable was the revulsion in British policy. At one time, it was said, this publication can have no connection with the British Government—was then given to understand that it had been but a private speculation, and had proved an unsuccessful one. People were content to accept this solution of the enigma. This explanation was borne out by the prohibition of the Portfolio which appeared in Prussia at the very moment that the publication ceased. Cautious people shrugged their shoulders to avoid the declaration of any opinion by which they might be compromised. Public opinion in England was occupied with the accession to the Throne of the “interesting” young Queen, and by the question of all other questions, whether it should be a Whig or a Tory Government that should remain in power. In Germany all eyes were turned towards the State prosecutions in Hanover, and nobody thought of the disappearance of the Portfolio. To explain or to account for the apparent contradictions in the fate of the Portfolio, is more than can be required of us. The German newspaper-reader does not demand from an editor impossible things. All he wants is entertainment, and he has learned by experience that this is the sole value of political events! But as we have taken upon us to explain the events of recent times as faithfully as possible, we cannot withdraw ourselves from the task of explanation in this case, and perhaps we may succeed in some degree in its execution, by giving a general view of the contents, and the tendency of this periodical.

The most important consideration connected with it is this—that there are Russian Despatches which the Port-

folio has published, and thereby does it assert for itself a value permanent and inestimable as an historical record.

These documents chiefly extend from the year 1826 to 1829—a short period indeed, but containing most important transactions and events. The affairs of Greece, the Turco-Russian war, were above all others calculated to exhibit the plans of Russia in their true light. The despatches of Count Pozzo di Borgo are especially masterpieces as to form and substance; and they establish beyond all question the claim of Russia to the first position in European diplomacy by depth of understanding, sagacity, and circumspect examination of even the smallest details. These will remain models worthy of the study, and of the admiration of all times.

No man understands the extent of the danger to which he is exposed, until he knows his enemy in the full frightfulness of his capacity and his designs, and how mean do the greatest statesmen of the Western Powers appear, who, absorbed with the petty troubles of the Pyrenean Peninsula, thought of co-operating or of interfering in the affairs of the East, without having the least idea of what was there going on, or what they themselves were called upon to do! Canning, with the enthousaism of a bursting heart, and with the word of “liberty” ringing upon his trembling lips,—Canning, in all the richness and power of his mental stores and faculties, here appears but as a tool; and not less so the non-enthusiastic but able, the slowly grasping but more firmly retaining, the narrower but not so easily dazzled mind of the Duke of Wellington.

There here appears but one of all the statesmen of Europe, in whom the Russian Cabinet acknowledges a never resting and an able antagonist, and that is Prince Metternich. Every act, every word of his, is looked upon as suggested by the most calculating hostility.

Russia thinks it necessary to oppose the influence of Prince Metternich upon all points, and by every means. The public of Europe was highly astonished at this discovery. The knowledge that there existed a misunderstanding between Russia and Austria ought indeed never to have come upon them unprepared. The triple alliance between Austria, England, and France concluded at Vienna on the 3rd of January, 1815, during the presence of the monarchs of Russia and Prussia, as guests in the Austrian capital, had not altogether remained a secret. Even before Kluber published the very text it was known that, a month before this alliance, Prince Metternich had told Hardensberg "that it would have been possible to obtain all that would have been wished for from Russia, if Prussia had acted in accordance with Austria and with England; that posterity would never forgive the Powers to have neglected this occasion to confine Russia within due limits, and that had they done so, the whole of Europe would have been on their side." But the public has but a short memory for such things, and appearances had led them to expect something different from that which had now come to light. It had been the habit of Europe to see in Prince Metternich only an irreconcilable enemy to liberal ideas, the triumph of which would, according to their judgment, bring the ruin of his system, and the dismemberment of the Austrian monarchy. No one was therefore prepared to find in him, the only man in Europe that had incessantly and with intrepid zeal laboured to protect Europe against that danger which threatened it from Russia. It was the Russian notes and documents themselves which first made him appear in this light, because it was only in this light that Russia considered him, and then indeed did the scales fall from the eyes of those who had eyes with which to see. Convinced by such evidence and proof, they

understood that the Holy Alliance was an empty dream, as soon as they came to understand that there were questions of interests, and that the interests were quite another thing than their theories of liberalism and legitimacy, and that it was upon those real interests that existed the struggle between the two great Powers here exhibited as contending. Ranke was the first, in his *Historico-Political Review*, to attribute to the *Portfolio* the merit of bringing forth this truth, and having thus destroyed a general and a dangerous prejudice. But the *Portfolio* did not only expose this view in regard to the question of the Great Powers,—it went a step further, and pointed out the practical and national interests as the only foundation for the Foreign Policy of England, and as the only escape from external sympathies or internal faction, where every man belonged to a class and was enlisted under a factious banner. Simple and clear as this assertion might appear, it was hazardous to broach it, and difficult to advance it, in a representative state, where every vote in Parliament, every discussion in public matters, proved the influence of distinct interests of classes and of political opponents. In this respect the *Portfolio* has exhibited a rare judgment; and in no expression, on no occasion, has a word escaped it which might lead to the inference as to which party it belonged. Every question of internal policy,—every allusion to it, is avoided with a circumspection unknown in any English work, even although not immediately directed to a political question. No man of letters,—no traveller seeking or promising mere entertainment, but betrays his political creed; but here you find the completest absence of all political opinion and dogma; and that in a Work consecrated from the beginning to the end, to the most important of the public affairs of the times. This distinguishing character of the work has been little remarked on, be-

cause not understood. This feature enables us to trace it with certainty to one distinguished individual,—one who, in pursuing the interests of his country, was capable of renouncing its national peculiarities. If any circumstance were requisite to establish this authorship for the Portfolio, it is this,—that it could be proved by convincing facts, that hitherto neither of both the parties into which the State was divided had comprehended the affairs of the East, or mastered British interests with zeal and vigour; and, moreover, neither of them could reproach the other, or pretend to be better than their antagonists.

A portion of a despatch of Prince Lieven and Count Matuszevich was designedly omitted, in order that the opinions and expressions respecting the Duke of Wellington and Lord Aberdeen* might not be used by party spirit for party ends. At the same time it is shewn what use Russia makes of the parties in England, and how, by the notion that she has spread that her antipathies were against liberalism, she had tried to represent the Tories as her friends. It is, on the other hand, the favourite theme of the Portfolio, to represent the power of Great Britain, when she has silenced party struggles, as great in the strength of right; restored to this sense England might restrain all violence without interfering in the internal affairs of even the smallest State, and thus might she put a stop to the progress of the mightiest in the career of lawless aggrandizement; then would every people, dreading for its nationality, bless the English name; the feeble would recover their strength, the mute their power of speech, and the web of despotism would be destroyed. It was no Utopian system that was to be introduced, no cheating device of popularity that was inscribed upon its banner,

* This Despatch has been published entirely, in the first number of the revived Portfolio.

no confusion with which monarchies were to be threatened, but the holy name of independence and nationality, which was to be asserted for all countries, and defended against all aggression. Thus had Demosthenes spoken to the Athenians; thus had he besought them,—not in the name of faction in the market-place, but in the name of their own dearest interests,—to protect the weak against the foreign usurper; thus had he called upon them to save the most important points from attack,—the Bosphorus, the Propontis, and that everlastingly unparalleled station of Byzantium,—but, melancholy prototype! his words were disregarded and Philip triumphed!

The attention devoted by the Portfolio to the affairs of Germany is moreover worthy of our remark, as also the importance which is attributed to the thoughts and opinions of the Germans. It says, “we are convinced that the statements which we make shall be understood on the Continent, and more so in Germany than anywhere else.” The three first numbers are occupied exclusively with Germany. First appeared the Memoir of Count Bernstorff, of the 29th January, 1831; then came the Memoir on which a Russian Protectorate was urgently pressed on the German Courts of second order; then the Memoir, the Policy of Prussia in regard to Germany, once announced in the Hanoverian Journal; and then were published the documents connected with the discussion in Austria and Prussia, about the publicity of the Diet. These State papers from Austria completed, while exposing the differences in the views of the two great German Powers, and explained how the Court might be prompted to induce the wavering States of the Union to cast themselves into the arms of a third, and an un-German Power. These circumstances, and the political nullity of Germany, as such, in all European questions, offer the most disheartening phenomena, not only for the

German who remembered that a fatherland had once existed, but for every one who was not disposed to see the fate of this region of the globe, and the intellectual and moral acquisitions of Germany, and other Gothic races, placed at the disposal of the Conqueror of the North. This was an experiment to find whether the people and governments of Germany (for the interests of the latter were not less concerned) would give ear to a voice of warning. The Portfolio listened for a response from Germany, and its words were immediately transferred to its pages. By degrees such voices were heard, and the tendency of this work was appreciated. The first question of difficulty and interest was the position of Prussia, and the first result was the discovery, that Prussia was in reality and hopelessly engaged in Russia's designs. As to the public opinion in Prussia itself, there was no question that its tendencies were altogether opposed to Russia. The difficulties respecting the toll and the frontier, which were soon detailed in the newspapers, gave hopes that Prussia would separate itself from Russia. But experience shewed that the expectations placed upon those and other events have been entirely frustrated.

The authenticity of the documents published in the Portfolio has never seriously been questioned, and no argument, which deserves the least critical weight, has been able to overweigh the internal evidences which they contain. It is quite inconceivable that the disclosure of a fact so unwelcome, as for instance the hostile position of the Cabinets of St. Petersburg and Vienna, should have remained uncontradicted, if even exaggerations could be proved in the statement of it that thus appeared. It is useless to say that Russia despises the public opinion of Europe. There are proofs to the contrary. But the impression was not to be destroyed by any words she could use, or by any arguments she could

advance. Deeds were here wanted, and deeds proved not that Russia had nothing to fear from the disclosure of her secrets, but that she knew how to make her will law against British power and pride even when aroused, and that she advanced her ends by trampling alike upon the flag of Britain and upon the convictions of the world. This is explained and proved by the affair of the Vixen. The labours of the Portfolio foundered upon this transaction. By it was its influence destroyed, and the Portfolio expired.*

Whilst all these evidences concur to establish the authenticity of the documents, and whilst there is nothing to be alleged in opposition, the question how they came into the hands of the conductors of the Portfolio, is evidently a subordinate one; and, indeed, we need not look for an explanation of the mystery in the work itself. It is not, however, to be taken as a mere mystification, when it is asserted in the publication that the documents that are given to the light are not from one only, but from four different sources. This explanation, upon which we do not set great value, might easily be justified. The Report of Count Bernstorff had already appeared in the "Authentische Actenstücke." The declaration of the independence of the Circassians, as mentioned in Parliament without contradiction, came directly to England. The so-called Russian Memoir of the German Courts, composed with so great skill, and left intentionally without a com-

* The publication of the Portfolio was an act of the British Minister: the surrender of the Vixen was an act of the British Minister. The British Minister, in September, 1835, was under the necessity of taking a line apparently hostile to Russia. He was enabled, in May, 1837, to sacrifice a British vessel to Russia. He did not destroy one of his acts by another of his acts, but he waited for the proper moment to overthrow the hollow measures which he had pretended to adopt while concerting with her the means of frustrating their execution.—*Translator.*

plete official form, was originally prepared as if intended to fall into other hands besides those to which it was originally directed, in which case it would be considered a private document, without any public character. Finally, as to the secret Russian Despatches, the most idle curiosity could only exhaust its spare time in conjectures. The Portfolio replies to the newspaper speculations of the times in these words:—"We have no stories to tell about magic caves or magic wands. No one has a right to question us with respect to these Documents. Russia alone has the right of reclaiming her property. While she does not do so we use our liberty. The day may come when we shall be called to account, but until then we shall make use of the liberty which she gives us." This is all the Portfolio has said to satisfy public curiosity, and it appears to be all that we are likely to obtain.

Far differently important is the question of the connection of the Portfolio with the English Government. Let us hear what it says itself upon this head—"Well informed people have come to the conclusion, that though the Portfolio may not at the present moment be the expression of the views of the English Government, it may happen that to-morrow the English policy will be the expression of the views of the Portfolio. We must, however," it continues, "declare, that it is not true that the Government has communicated to us any documents that we have published; and further, that the Government possesses no legal means to prevent our publishing them, if it wished to prevent their publication." It then says—"There is but one means by which the Government can purchase our silence, and that is by the adoption of a policy less unworthy and less injurious than that which it has hitherto pursued." Such was the strain in the first volumes. Besides this independent character, we there find clearly expressed the confident anticipation that the

Government was disposed to act in the same line; that it only wanted a stronger support in public opinion, in order to stand forth in a more decided manner, and announce the convictions which seemed more and more to gain ground, the moment that the nation was prepared frankly to enter on this new career. Then followed two events that were tantamount to demonstration of this disposition on the part of the Government. The one was the appointment of David Urquhart to the Embassy at Constantinople, the other of John McNeill to Teheran.* Any more decided identification of the Cabinet with the views of the Portfolio would have been not a demonstration, but a declaration of war against Russia; and the Portfolio declared repeatedly enough that all that was desirable was attainable by England by diplomatic means. Thus do all these points seem to coincide; nor ought one to be confused in judgment by the expressions of a Mr. Poulett Thompson, who declared the Portfolio to be a very absurd production,† as this was only an easy means of preventing unseasonable questions.

The position and language of the Portfolio towards the Government was subsequently changed, and the first step in that change is to be remarked on the departure of Mr. Urquhart from London in the summer of 1836. The time seemed come when practical results were now to be obtained. The absence of such results called forth from the Portfolio increasing signs of impatience; it then especially directed itself to the affairs of Greece, particularly to the financial state of that country, and the influence of foreign powers. These were exposed in a series of articles, the tone of which grew more and more vehement. These arti-

* This is a mistake. Mr. Urquhart's appointment preceded the appearance of the first number of the Portfolio.—*Translator*.

† Lord Palmerston counteracted, by the lips of a colleague, the public effect of a publication designed by him to mislead respecting his own intentions.—ED. P.

cles subsequently appeared, though very much altered, under the title of "Diplomatic History of the Monarchy of Greece," (London, 1838: Henry Headley Parish, formerly Secretary of Legation at Athens) and constitutes the principal work upon this subject. From the early part of 1837 it was the case of the Vixen that chiefly occupied the attention of the Portfolio; to this was added the independence of the Circassians, the lawlessness of the Russian protectorate over the Caucasus, which was one of the subjects advocated with the greatest zeal and vigour by the Portfolio from the beginning, and these furnished ample subjects for elucidating and applying the Law of Nations. Every one now saw that a crisis was at hand—if the English Government remained silent on the confiscation of the Vixen all had been spoken in vain. But she did not keep silent, for she did worse—she demanded explanations; and when such explanations were given that could be received only by the entire sacrifice of British national feeling, England received them and the Portfolio was dumb. And what else could we expect? The situation for several months had been alike painful and false. A protest against the change of conduct in the Government (the recall of Urquhart was the first step) was made in the most striking manner. But the Portfolio could not subsist as an opposition journal without partaking in the struggle of internal parties. They have, doubtlessly, chosen the right course, under the circumstances, of suspending their labours. It may now be easily said that they ought to have done so before, but this was a case where they had to be guided by circumstances which lay entirely out of the course of ordinary events, and which had to be determined at the same time by the position of persons. In order to explain this we must go back to the origin in the British Cabinet of those views of which the Portfolio was the organ, and upon which it founded its expectations. These had their origin in the personal

convictions, or we may say, the personal inclinations of King William the Fourth. He had given to his people the Reform Bill, but his ambition went further—he had been bred a sailor—the honour of the British flag, her undisputed dominion of the sea were his chief aim, his feelings rather than his understanding told him that the foreign relations of his empire were not maintained in a manner which was worthy of England. The convincing eloquence of Urquhart gave him the assurance that another system ought to be adopted in order to maintain British power at its former level, and, above all, to enable it to hold in check the plans of Russia. The appointments we have mentioned were the King's doing. Lord Palmerston, with his characteristic adroitness, submitted to the will of the Monarch; desirous, as it then seemed, to take advantage of Urquhart's long and intimate knowledge of the East. The position of affairs seemed to become entirely altered. But it is not in the nature of things that great and durable effects can, by such slender means, be produced in a constitutional monarchy.*

* Was not the object here to bring back England to what she had been? And why had England ceased from what she had been before, and become the instrument of Russia, but because there was a man serving Russia in England; was it not equally possible that there might be a man understanding Russia, who should enable England to recover herself? The writer seems here to appreciate at their true value those differences of internal speculation which are called politics, yet he himself uses them when he speaks of a constitutional monarchy. Lord Palmerston did what he liked with England, while nobody understood *her* affairs, or *his* intentions. The King coming to understand them, he ceased to be able to attain his ends for a time. Had it been Sir R. Peel, or the Duke of Wellington, who came to understand what the King then understood, the effect would have been as great or greater, and the result would not have depended *solely* on the life of the Monarch.

—Translator.

To move the Minister by the King, and the nation by the Minister, was to act in a sense exactly the reverse of the political institutions and practices of England. The natural course in a representative country is, that the majority should dispose of the Cabinet, and the Cabinet control the Monarch. Whether this be good, or the reverse of it, is not for us to inquire ; it is enough that it is so. But the course that was followed in regard to its eastern and external policy was exactly the reverse. Even had the Minister entered honestly into the views of the Monarch, the proof might have been precarious—public opinion in England was not prepared to estimate this policy of the Cabinet. This was felt, and therefore was the Portfolio established, and also, with the same view, the British and Foreign Review, the latter proceeding from opulent friends of Poland, and the most decided organ of that tendency. The question then arose—either condescension to Russia, or a declaration of war; either the Vixen had to be tranquilly surrendered, or if Great Britain asserted her rights, it was necessary for her to prepare to threaten hostilities. A declaration of war is a hazardous thing for any Ministry, unless the whole nation, as with one voice, demand war. It is, above all, difficult in a financial point of view, and, as we have said before, England was bound in a bond of a thousand millions to keep the peace.* In addition to this the energies of King William the Fourth were broken by weakness and illness at the very period that the question

* It may be superfluous to remark that Russia could do nothing but by England's cooperation, and that there could therefore be no question of war. The subsequent involving of England in war, without even the knowledge of the nation, shews the utter futility of these speculations, and the complete command that the Minister of England had of the minds, the thoughts, the resources, and the weapons of the English nation.—*Translator.*

of the Vixen came to be discussed. Finally, it seems that Lord Palmerston *had no serious design*, when he thus suddenly altered his views of the affairs of the East; and so long as the Parliament did not itself demand a thorough alteration of the policy of England, there could arise no question of a change of Ministry on this account, and a change of Ministry in Parliament, is a mere matter of party, and a Tory Administration is an impossibility so long as Ireland is not tranquillized.

The result, then, could not be otherwise than that which has taken place. The opinions which peculiarly characterized the Portfolio were impressed upon the Cabinet through a few individuals; they came neither from the body of the nation, nor were they asserted by the majority of the Parliament. Those individuals either lose their influence, or retain it, using it in an opposite sense (here ought to be mentioned the estrangement of Lord Ponsonby from Mr. Urquhart, the motives of which are still unaccounted for) and then we find those opinions disappear without trace of them in the measures of the Government. These peculiar opinions find no expression in Parliament. We are left without knowledge of the cause of their disappearance, and yet it would seem to require some explanation *how opinions so peculiar should be adopted by Government, Parliament, and the Press, and then die away when they had appeared to form the basis alike of Government policy, and of public opinion.* The press uttered them with extraordinary vehemence, as for instance, awhile the "Times," but it was only in order to make the best use of them for their mere Tory purposes against the Whig Administration. This is, doubtless, the weak point of such a form of Government as that of England. Every body knows that such an evil may be cured, but he also knows that at present the remedy is not to be found, and that that point has not yet been arrived

at, when the parties in the State will surrender their sectional differences in order that national interests may triumph.

After these remarks the following exposition of events may be understood. At a large public dinner given at Glasgow to Mr. Urquhart on the 23rd May, 1838, he said, in reference to the Portfolio, that it was "an attempt, not without *the sanction of the then government*, to bring the European Courts to the understanding of our common danger, and of the means by which Turkey might be saved, and the gigantic plans of Russia checked." This was, as far as we know, the first public allusion by Mr. Urquhart to intimate that he himself, or the Government, had been in any way a party to the publication of the Portfolio. The occasion he chose was in every way remarkable, for being disappointed in his hopes by the Government, he attempted to rally the national disposition of all parties against that Government, which, according to his conviction, had neglected its duty to its country. The dinner at Glasgow was the beginning of the agitation which, in the first instance spread through the mercantile and industrial classes, in order to establish a national policy on the common consciousness of the neglect of public interests. He succeeded in assembling merchants of all parties in Glasgow around him, and those words which admitted of no ambiguity were recorded far and near as a change of the ministry. Three weeks after Sir Stratford Canning demanded in Parliament a letter which Mr. Urquhart had addressed to Lord Palmerston on the 20th September, 1837, and in consequence of the expressions in which Lord Palmerston referred to it, Mr. Urquhart felt himself under the moral obligation of publishing the letter to which he had hitherto never received a reply. This letter appeared in the *Times* of the 21st June, and amongst

other things it mentions that the "declaration of the independence of the Circassians, after mature consideration, and after a correspondence of several weeks with different officers of the Government, was published in a paper connected with the Foreign Department." In the very warm debate on the subject of the Vixen, on the 21st June, 1838, in which Sir Stratford Canning, Sir Robert Peel, and Lord Palmerston took a prominent part, several references were made to this letter. An article in a German newspaper, which pointed out the dinner at Glasgow as the beginning of a new impulse, which might possibly become more important than any former one, was repeated in the *Times* of the 5th July; all things pointed to the rekindling of a flame that appeared to be smothered and forgotten. There were many to whom this apparition might be no less unpleasant than startling. It was attempted to arrest its progress by a novel weapon—that of ridicule—and this has been applied with great skill. In the third week of July, 1838, appeared from Ridgway's, the original publisher of the *Portfolio*, a pamphlet, entitled, "The Gallic Confederation," pretending to be a document stolen from the Russian archives, and dated the 15th June, 1838, containing a Russian project for the partition of France. The proposal was excessively ludicrous. France was to be divided into eighteen States, &c. &c. The *Times** was ensnared by this device, and denounced it as a Russian scheme, and it soon became the object of well-deserved ridicule. It was said that this last trace, or rather travesty, of the *Portfolio*, had been lost in the embassy of Pozzo di Borgo.

The matter, however, soon took a serious form; Lord

* On the publication of this document a letter appeared in the papers signed, "The Editor of the *Portfolio*," declaring it to be a forgery, and pointing out the objects of the scheme.—*Translator*.

Palmerston felt himself, after a silence of nine months, and after these unwholesome admonitions, compelled to answer Mr. Urquhart's letter. In the answer he says, "The paper in question, (the *Portfolio*) had no connection whatever with the Foreign Department. This department has never had any authority over it, or exercised any such." In reply to so absolute a denial, Mr. Urquhart addressed a letter to the Under-Secretary of State, Backhouse, and appealed to his testimony. Urquhart had addressed himself to the Under-Secretary at a moment when the insertion or the non-insertion of a despatch in the *Portfolio* was pressing, and Lord Palmerston was absent from town. The Secretary had told Mr. Urquhart to rely upon his own judgment, but he (Mr. U.) had declared that he would not send a single sheet to the Printer, without the review and sanction of a member of the Government, "because of the importance of, and the responsibility connected with even the smallest detail." Urquhart had further received from the Under-Secretary a complaint of Mr. Poulett Thompson's against the *Portfolio*. After this barefaced denial, Mr. Urquhart thought himself entitled, and decided to prove that Lord Palmerston and the Foreign Department were responsible for the *Portfolio*, and therefore he published these two letters in the *Times* of July 26th, 1838.* This correspondence seemed embarrassing to Mr. Backhouse. He answered from Wildbad, on the 2nd August, 1838, that he remembered Mr. Urquhart had several times begun to speak to him of the *Portfolio*; that he had always intentionally dropped the conversation, notwithstanding he did know, that Mr. Urquhart, according to report, did direct that publication; but he sought to avoid every thing that

* The correspondence between Mr. Urquhart and the Foreign Office was published not by him, but by Mr. Backhouse.—*Translator*.

could make the Foreign Department appear responsible. As to the circumstances Urquhart mentioned, he had constantly answered, that he had no power to utter any special opinion upon the matter. Urquhart, in his answer of the 2nd September, 1838, did not only repeat his assertion, but he adds, that the question had been "whether a secret despatch of a third Power should be published in the *Portfolio*, or be communicated to a British Envoy at a foreign court for his use." The Under-Secretary of State had indeed "refused to decide upon the matter, but afterwards revised the proofs, and forwarded them to him for publication." He joins two documents, proving the connection between the *Portfolio* and the Foreign Department, and mentioned at the end the opinion of a distinguished lawyer, by which Lord Palmerston was personally responsible to the Publisher of the *Portfolio* for some money claims springing out of the transaction. These two letters appeared in the *Times* of the 25th January, 1839. The documents referred to were not published by Urquhart, as he only wrote to defend himself, and would not compromise others without necessity. Backhouse, however, was pleased to publish them himself, and thus to complete the proof of what Urquhart had asserted.

Is, indeed, the conduct of Lord Palmerston inexplicable as it might seem at first? The accusation against him, that he had neglected the interests of England, in consequence of his devotion to Russia, becomes louder and louder. It might, therefore, not have been disagreeable to him, in order to avert the storm threatening from this quarter to get his former connection with the *Portfolio* rendered public. Russia is, of course, perfectly satisfied with his personal denial *together with his subsequent conduct.*

The subjoined observations, from the Augsburgh Gazette, are sufficiently curious to be added to the foregoing article, and are so far incorrect, as to require a word of comment.

The subjects dealt with, and the views put forward in the Portfolio, now and formerly, and in other works of a similar character, include the gravest matters of State Policy and of human action. Our mode of judging of these things differs from that of the men who surround us, not by theories that *any man has invented*, but by the application to them of those existing laws of the land, the sense of which has become obliterated at the present day. Nor is it rational to attribute to the supposed bias of one man the labours and conclusions of many. Or to explain by that bias against one man a charge which applies to many; nevertheless "the allegation by a public functionary "against a Minister of England, of treasonable collusion "with a foreign Power, is a great event for history." Such were the words of the Augsburgh Gazette itself, in examining sometime ago the affairs of Poland.

"The Portfolio of 1836 has been brought to life again. The first number appeared on the 1st of August. It is like the former, under the direction of Urquhart, the antagonist of Russia; but not under the auspices of Lord Palmerston, against whom it breathes a most deadly hatred, like every thing that since that time has come from Urquhart's pen; for he demands no less from British justice than that Minister's head, laying to his charge the murder of 100,000 human beings, who, during the 12 years he directed our Foreign Affairs, fell in Spain, Syria, Afghanistan, China, &c.

“ One article represents the Repeal Agitation and the troubles in Wales, as consequences of the New Tariff; this as a consequence of the ruin of the finances, and this last as a consequence of Lord Palmerston’s “ CRIME.”

“ In a remarkable letter to the Archbishop of Tuam, the Catholic Members of Ireland are accused of having from personal, or at least provincial motives, taken “ Palmerston’s crimes” under their protection, and by their assistance in Parliament, enabled him to prolong them for several years.

“ In another article, the operations in China are represented in a most startling light—and here also a “ Crime” of Lord Palmerston’s is exposed, which it had cost him more than six years of previous labour to commit.

“ But after all, the wrath against Palmerston is but of the second degree, and originates in Urquhart’s belief, that he was a willing and a conscious instrument of Russia, and had knowingly committed so many horrible crimes, because Russia desired, by involving England in war and troubles, now with this country, and now with that, to make her hated abroad and weak within.

“ The Tories are no more spared than the Whigs, when there is occasion for exposing this “ Machiavellian Policy,” save that against Wellington and Aberdeen, no harsh expressions are made use of by the Editor. Thus, in the beginning, we find a Despatch of Prince Lieven and Count Matuschewitsch to C. Nesselrode, of June 1st (13th), 1829, in which they communicated conversations with Wellington and Aberdeen. Extracts from this document have already appeared in the Portfolio of 1836; but now the whole is given, because—as is said in a note—those Noblemen are now in office, and therefore in a position to justify themselves, which they could not do in 1836. According to this Despatch, they appear as completely deceived, intimidated, and seduced by Russian Diplomacy, to unlawful and unjust acts, as Palmerston. But the latter has, as is generally asserted, personally offended Urquhart, and that has great influence in the judgment of acts. Urquhart, however, intends nothing but what is lawful and just, and for this reason is quite right in permitting the writer of the letter above mentioned to abuse O’Connell, because, in order to

force England to yield Repeal, he excites the Republicans of North America, Louis Phillipe, the Czar, and Mahomet Ali, to execute the wrongs which they meditate against England.

“What is more directly interesting in the contents of the 11th Number, are the three articles on the Affairs of Serbia, viz. : “Defeat of Russian Diplomacy in Serbia,” “Projected Memoir of the Serbian Government,” and “Narrative of Events in Serbia.”

THIRD ATTEMPT OF GREECE TO EMAN- CIPATE HERSELF.

GREECE demands our solemn attention by the injury we have done to her, and by the re-action of this injury on ourselves.

On the soil of Greece were dropped by a thrifty hand, about a quarter of a century ago, seed from which has sprung in course of time, and with favouring seasons and culture, a tree whose mighty arms have overspread the globe. The seed was planted by Russia—the tree that has sprung is Diplomacy. It has filled the air with its branches; it shuts out the sun with its foliage; pollutes men's breath with its rankness; yet it flourishes by the strength that *we* have given to it, and it blights *us* by the shadow it casts. The seed we knew not when it was planted, we could not tell if it was a healing or a deadly one; nevertheless we, all of us, of every land and clime, the enlightened and the ignorant, the learned, the pious, the wise and the simple, great and small, rich and poor, all rushed into this vineyard, and from north, south, east, west, we came, bringing the dews of mercy, the fatness of wealth, the implements of wisdom, and we delved, and toiled, and watered; we bedewed the tree with our sweat, we poured around its roots the hard-earned savings of our own people, we opened our very veins and manured it with our blood, and all the while it was a poisonous and a noxious plant, that an enemy had planted, and that enemy sat by idle in our toil, contented in our zeal; she commended us for our service, and we were recompensed by her smile.

Had it been deliberately proposed to the nations of Europe to establish a secret conclave of three Diplomats, whose decisions should bind the nations to which they belonged, and be enforced by their power; had it been

deliberately proposed to subject the action of every Government, and the fate of every people to such a council as this, there is not a man in Europe that would not have denounced the scheme as something infamous to utter and abominable to entertain.

Such a conclave was an alteration of the fundamental institutions of every State; it was a yielding up of the authority with which they had been invested for the discharge of duties, authority which they could not surrender, and duties which they could not neglect. The nations of Europe ought to have been consulted in such a change, and who could have proposed it? what argument advanced in its support? who could have accepted it? England had repudiated the Holy Alliance, which was an association for the furtherance of principles recognized by each of the contracting parties, but a diplomatic union for the *conduct of affairs*, was the institution of a supreme government over the governments of nations, and an extra-national administration to which these nations should have lent their strength and subjected their will. This extra-national conclave being established with a view to the affairs pending between State and State, would assume to itself decision upon the highest affairs of men, the application of the law of nations, and the law of treaties, and it would therefore become possessed of the power of dispensing with, or perverting these; acting in concert there would remain no power on earth able to resist their decrees, which would not be the result of the decisions separately taken by the different governments, but of its decision independently of the governments by which it was created, and whom it would control, not only in respect to the matters strictly termed diplomatic, but in respect to the subordinate portions of their national interests and administration, which are necessarily contingent upon the relation of State and State.

To settle the affairs of nations by the intercourse of Di-

plomatism (whether informally in closets, or avowedly in conferences, and the one leads to the other), is to withdraw from each nation all control over its own government, while it opened the door to the ascendancy to any one government that happened to be pre-eminent in talents and intelligence. It was the introduction of a system which tended naturally to cultivate knavery on the one hand, and folly on the other. It was not a council chamber that was instituted, it was not men that assembled together because their duties, their opinions, and their interests coincided ; but it was a meeting of men who met for the purpose of mutual deception, and all were to be bound by the deception that was successful. This too was to be done in secret, and the world was to be acquainted with their decisions only after the event. It was a gambling table that was prepared, and universal dominion was the stake for which they were to play. When a similar proposal, in the time of Philip III. came from Spain, an English minister exclaimed, "This would be converting the world into a society of wild beasts." Yet without proposal made, arguments advanced and accepted, we have suffered this extra-national government to be established over us ; we have slid gradually under the burden, and we unconsciously bear it, and the pressure becomes the bond by which we are secured, instead of being the incentive to throw it off.

Charity, humanity, religion, classical associations, love of freedom, our boyhood attachments to the past glories of Greece, and our maturer compassion for her present sufferings blinded us to duties abroad and laws at home, and these associations became the meshes by which we were ensnared and yoked to this burden. We should have escaped the toils had we either been possessed of knowledge or been destitute of charities. It was our charities that forged those bonds of guilt and folly misnamed "intervention" and "diplomacy." These bonds which found us an honest

and a free people have made us a debased and enslaved one. It was in the name of Greece that "conferences" arose; in the cause of religion and freedom that "protocols" stalked forth again upon the earth, recalling the forgotten abominations of Venetian secrecy and Byzantine priestcraft.

Had England desired the conquest of Greece, she might have possessed herself of that country with comparatively small misery to Greece, to Turkey, to herself and the world; but she lent herself to be the tool of the desires of one whose superiority of ambition looked not to the subjugating of one state, but to the perversion of all; looked not to the perpetration of a solitary crime, but to the extinguishing throughout mankind of the laws which constitute States, of the sense of right and wrong which constitutes men.

Greece has been fated to undergo the greatest vicissitudes, and to inflict upon the mightiest of earthly dominions the most fearful penalties.

The decay of the great empire of Rome followed on its triumphs over Greece and her Macedonian conqueror. By the produce of these wars her treasury was so filled that taxes were remitted, and as it was through the collection of taxes that the framework of the government of Rome was knit together, the remission of them destroyed the power with the functions of the component and the subordinate parts of the State, and took away the interest of the citizens in their affairs and knowledge of them. This, and not the forms of government, is the life of every community. The consequence of this change effected in Rome by the withdrawal of taxation, cannot, however, be conceived by modern Europeans, who live under a custom-house and excise, and have not the institutions which Rome then lost, and losing which she lost herself. Rome too, like us, was moved by sympathy for Greece, by abhorrence for her oppressor, and with pomp proclaimed her freedom to the enraptured

assemblage of the Isthmean games. Greece was shortly after the most trodden down of Roman provinces; but she avenged herself a second time upon her victor by infecting him with the corruption of which she herself had perished.

Now again is the same scene repeated. You have been unwisely and cruelly kind; you have tortured Greece with your protection; chained her with your gold;* corrupted her with your thoughts and doctrines; and in return has she afflicted every man in Europe with ignorance of his affairs, and darkened the world with that Upas-diplomacy which has sprung from her body. Think not that you are not criminal, because you had no evil intention. Your crime lies in your giving power without controlling its use. You had delegated to an agent your power. This agent did not consult you in what he did; but you neither pointed out a course, nor supervised that which he adopted. You neither used your intelligence for his assistance, nor restrained him by the sense of responsibility for every act of such agent. *You, every one of you is responsible,—these acts were crimes,—you are the criminals.*

During the last twenty-three years every act of England termed diplomatic has been a violation of statute-law. Not one of such acts could have been dreamt of, if the nation or the Parliament had been previously put in possession of the intention of the minister, and was therefore done only because nation and Parliament were indifferent. The na-

* “It was not till European institutions and European civilization, which our author is so anxious to inflict on all the Eastern populations, was sought to be introduced into that now distracted country, that society was convulsed almost to its very lowest foundations; for this convulsion an able power has long and successfully laboured; yet all these causes would have been insufficient without £5,000,000 (four-fifths of it English,) applied for the consolidation there of Russian power.”—*British and Foreign Review*, No. 3. January, 1836.

tion that would have been shocked had it known in time, is changed when it knows too late. We become accustomed to whatever is, and accept it as the law of nature.

But it was not naked ignorance that brought these results, nor was it active sympathies. But it was, that, being ignorant of law and business, and strongly biassed, in a particular direction, a foreign power brought to bear upon us the embarrassments and excitements of a war of extermination, by the difficulties of which we should be overwhelmed, and compelled to go to herself for counsel and direction.

For the twenty years that preceded the revolution of Greece, that country had made in population, wealth, freedom, experience, knowledge, and extension of commercial enterprize, a progress such as has never been exceeded, if even paralleled in the history of nations; and this occurred under that Turkish barbarism and oppression which had affected the bowels of compassion in Europe, and made it yearn for Greece, beloved for its present sufferings more than for its vanished glories. It was while Greece was in this condition of well-being and progress that the plan was formed for revolutionizing that country; this had been twice before attempted, and it was an old and disciplined practice.

* Recently England was swayed in favour of the Sultan against the Pacha of Egypt. France was swayed in favour of the Pacha of Egypt against the Sultan. These two opposite biasses were rendered available, by the same able hand, to bring about a more nefarious kind of intervention in Egypt than had ever happened before, and has further effected the wonderful triumph of the separation of the affections of England and France. But it would be wrong here to say that the people of France erred because they were biassed in favour of the Pacha of Egypt, or the people of England because they were biassed in favour of the Sultan; but it was, neither the one nor the other understanding law, or duty, or rights, strayed and erred, and whilst in the dark they strayed and erred they were each of them led by an enemy's hand.

Its success was calculated not upon the misery and distress of Greece, but on its well-being and its strength. Over the whole of Europe extended by affiliation a secret conspiracy, the members of which were statesmen, philanthropists, poets, rhetoricians, liberals, merchants. All the young Greeks, bringing up in Europe, were initiated into this conspiracy, decorated with the terms philanthropy, independence, freedom, civilization, and thus were poured in upon Greece, year by year, young shoots of the rankest pollution of our western civilization, which, replanted there, came to react upon the causes that produced it in Europe; and Greeks of the Peloponnesus were initiated, and startled to find themselves involved in a scheme for their emancipation, of which the strings were connected with St. Petersburg, Munich, Paris, Geneva, Lyons, Marseilles, and Leghorn.

While this was proceeding in Greece, the whole of European Turkey,—the provinces of Wallachia and Moldavia,—were similarly agitated by means of the priesthood of the Eastern church; Russia pressing with her weight upon the government of Constantinople, in such manner as should best advance the hatching of the plot, by lulling it into security, or urging it into oppression. When finally the revolution broke out *by armed men crossing from Russia's territory*, and was responded to by a movement in the Peloponnesus—it was not that rancour, animosity, or despair had driven the Greeks into rebellion, but they were cheated into outbreak. Agents were sent from town to town, and from district to district, to give each from the other false intelligence respecting the dispositions of its neighbour, so as to bring them on, each fearing to be left behind, until severally they were committed to acts which closed against them the door of repentance or of return.* The revolution

* A similar process was detected in the late chartist movement in England, and traced to foreign agency.

broke out in Wallachia and Moldavia in the belief that the Peloponnesus was already in insurrection. In the Peloponnesus the revolution was prepared by assuring them that the northern provinces were already in insurrection. The moment that the sword was drawn, and blood shed—and these in connection with a dark and deep conspiracy, of which the ramifications were in the hearts of the different governments of Europe—when insurrection had burst forth in the name of the “Greek race,” of the “Christian faith,” then of course there was no further sheathing of the sword; a war of desperation and of extermination was introduced; every Greek had to take up arms as his sole refuge and escape, and the Turkish government was under the necessity of having recourse to the extremest measures of repression and extermination.

Russia, while she had thus by art and design, brought about this state of things in unhappy Greece, had simultaneously prepared the Cabinets for intervention, through the excited sympathies of their people, as well as by her own control over themselves. She failed, indeed, in the first instance.—England was not yet ready to become her tool, but for this she would have declared, in 1821, war suddenly against the Porte, at the very moment that the revolution broke out. She established, however, so much of a quarrel as to give the full weight of her prospective hostility to the revolution; and she obtained so far her diplomatic ends as to make England’s ambassador her representative with the Porte, involving England for the first time directly as her agent, and giving to her frowns and her threats the appearance of concerted European indignation and decision.

But it may be said, this state of things, from whatever cause arising, and a war of extermination having been commenced between the Turks and the Greeks; was it not the part of England and her duty to interfere? It was so; to have interfered with knowledge and according

to law—but that would not have been called interference,* because there would have been no necessity for the introduction of a fallacious term to disguise a base act.

If England is to be spoken of as an intelligent being, we must concede that she knew that Russia had brought about these evils, that therefore that she was the source of danger, the only source of danger, that she was upsetting and convulsing everything, and doing so by art and not by power; that she was powerless to do evil openly, most dangerous to effect it in secret. During the first years of the insurrection, England had refused to take part with Russia, and had thereby prevented her open support of the Greek insurrection; the struggle was left open between the combatants. The wonderful and unexpected resistance of the Greeks brought the possibility of an accommodation; the piracies gave England the right to demand of Turkey, either the abandonment of the claim of sovereignty over the people by whom they were committed, or of compensation to England for the losses of her subjects. All international transactions are merely legal ones, and here a legal case arose, and to render the question of most easy settlement, the Greeks at the same time appealed to England, requested her good offices for the adjustment of their concerns with the Porte; England was thus in the third or fourth year of the war, placed in a position of dictating conditions of adjustment to both parties, and in the neces-

* To remove a neighbour's landmark is to bring a curse, and when nations do this, every crime follows in its train. But equally criminal are the steps that lead to this removing of the landmark. When nations, as during the last 12 years, have got into the habit of speaking of "interference," they mask from themselves the crime of robbery and murder; because committing them in common with others, they are enabled by conjoint power to suppress resistance on the part of the victim, and to stifle its cries.

sity of taking steps for that purpose ; the whole question was in her hands. The Greeks had not appealed to their co-religionary Russia, but to England. The Turks who would have rejected all adjustment of which Russia had been the organ, were disposed to accept of such an arrangement as England had to propose.

It was in England's power, therefore, with the greatest facility, to have adjusted the matter, and had there been a yeoman in the Foreign Office—any man that could see a simple plain matter before him, and did not admit a Russian diplomatist to familiar intercourse, it would have been settled in three months. What had England to do in the matter? merely to propose an adjustment,—merely to exclude Russia above all other things, and to take care that she did not profit by the evil she had created, and did not find the means of insinuating herself against the determined will of both parties into the future negotiations and arrangements.* But England had not then a yeoman in the Foreign Office—she had there a man of genius—Canning. When appealed to by Greece, in her hour of need, what does he do?—he appeals to St. Petersburg. From Russia he asks for counsel—accepts it when given, and signs a protocol by which England and Russia conjointly are to settle the affairs of Greece, and further, to PACIFY THE EAST! A meaner mind would have shuddered at the thought

* “ England was, therefore, in the possession of that position which Russia coveted, and by England's possession of it, was Russia doubly excluded ; nor—such were the feelings of the Greek people,—could she expect to supplant England, except through England herself, and that was to be effected by identifying England with herself, and by obtaining the support of England. The proposal of the Greeks to acknowledge the supremacy of England thus strangely, became the source of a combination, through which the objects of England have been frustrated, and her influence excluded.”

Parish's Diplomatic History of Greece, p. 19.

of such an association, and trembled at the contact with such an intelligence. It required the genius of a Canning to venture over the hair-breadth bridge that spanned the gulph that then yawned between England and Russia; and which could not be filled up until probity and honour, traditions and futurity, all that is great and good in men, or England had been therein cast. Canning was soon, however, startled with the consequences. He soon found that this concert was to be directed, not to pacify but to convulse, and that not peaceful influence but warlike operations were required at his hands; even his genius recoiled from this endeavour, as Englishmen were not then prepared to use arms in the midst of peace. He struggled, but could not escape; he was already in the toils; the bond—the protocol was there. “You,” she said, “have signed a bond to prevent us from acting without England;—but in the terms of that bond, you have left us to act, if we choose, alone. If you hesitate now, we will be under the painful necessity of exposing you to your colleagues.”*

Canning was a man of genius. His self-love was therefore of the dimensions of his other attributes. He was struggling with rivals and competitors. He dared not the shock of this exposure; he put his hand to the treaty of the 6th of July, and died of a broken heart.

To trace the tortuous course of these involved and voluminous negotiations, our space would not admit nor men’s temper endure. These are not matters of news, and what do Englishmen care, now-a-days, for what *has been* done? Their interest is reserved for the delightful uncertainty of the future. But let us come at once to the next important stage. After the battle of Navarin, after the Russian war

* The documents substantiating these allegations will shortly be published in the Portfolio.



and blockade of the Dardanelles, the greatest alarms were admitted for the fate of Turkey, consequent on our own intermeddling. When we might have been satiated with the outrages we had committed,—after the full consequences of our own insanity were before our eyes, and an administration in England had been broken already as one of the results,—when experience exhibited to us toil and danger in our course, and offered us every lesson and warning that circumstances could present or men receive—then did the Porte offer to England and France conjointly to assent to *their* propositions. She allowed them to have their way and to save their credit—and to gain all this without Russia—what again did England do? allow Russia to reopen the question on new grounds. On the 9th September, 1829, the Porte declared to *England and France*, that, “having adhered to the treaty of London,” it “pledges itself to subscribe to all the decisions of the Conference of London.” Russia and Turkey were then at war. At the treaty of Adrianople, Russia violated all her pledges to England respecting exclusive rights, territory, &c.; and then the conference at her dictation assumes *new grounds* respecting Greece, *after both parties had adhered* to the previous arrangements. Are such things credible? yet this is but the common practice—it was the repetition of what had been done before, in respect of Greece,—and what had in like manner been rehearsed on other fields.*

* In 1810 the Porte offered to the Serbians their independence, to be guaranteed by any Christian power they chose, Russia only excepted! The Serbians had applied to France and Austria; but their advances having been by them rejected, they had at last applied to Russia, and were, of course, encouraged. They, therefore, would not accept the boon offered by the Porte, except with the guarantee of Russia. The consequence was the reoccupation of Serbia by the Turks, at the instigation of Russia, followed by years of misery, persecution, and disaster.

Russia had previously got a Greek servant of her own, appointed President of Greece. She obtained his appointment, not by the will of the Greeks—not even by “portocols” of a *London* “Conference”—the disease had not then got so far ahead,—nor was it by her own power that she effected this, she could not threaten Greece like Serbia with “20,000 men.” The Greeks were not then either European Statesmen or liberals—they understood *who* Capodistrias was. She owed his election to two Englishmen! To Lord Cochrane and to General Church the Greeks looked for their entire salvation—especially to the former. What then was their astonishment, or their bewilderment, when in the lemon groves of Epidaurus they heard that British nobleman declare, that the condition upon which he would put on the uniform he had brought as High Admiral of Greece, was—the election of Capodistrias as their President! This Russian agent, thus appointed, was ferried over in a British bottom,* and was accredited to Greece by the English flag.

At once did this man apply himself to plant the seeds of discord between Greece and her “Protectors;” at once did he lay the axe to the very root of every institution, tradition, and custom of her own. In every step of these proceedings he is supported by England!

A Prince had, however, to be chosen; one was named by no means to her taste. Prince Leopold was prevented from going to Greece by the most flimsy and absurd misrepresentation, never was a case of such contemptible and such triumphant deception. Russia and Capodistrias playing into each other’s hands, and the English Government

* Capodistrias arrived in Greece in an English line-of-battle ship, and on the moment of bidding adieu to the English officers, he addressed the astounded Greeks around him, in these words: “That uniform will be the curse of Greece.”

being in possession of contradictory information, withheld it, fearful of biassing Prince Leopold's mind !

At last Capodistrias falls a victim to public vengeance. His brother, an incapable villain, is appointed. Russia effects not this through her then acquired ascendancy and available means, but through a British ambassador to Constantinople who happens to be passing through Greece !

Her agent, Capodistrias having been assassinated, and Prince Leopold set aside, a new Prince has to be found. There had been but one man in Europe whose claims and character rendered his election desirable or his exclusion difficult. The one she had put aside. There remained then no longer the task of excluding a Prince that might prove refractory, but that of choosing one that promised to be useful. One is pitched upon too young to enter upon his regal duties, and furnishing new occasion and chance of mismanagement and corruption in the establishment of a Regency. The Regency is instituted by solemn treaty, and rendered "independent and sovereign." One of the Members of the Regency becomes a creature of Russia. The English Government supports immediately *one* section of the Regency, namely, the Russian, but this support not being sufficient against the majority that still remained honest, England determines upon *removing that majority* ON THE PRETEXT THAT THEY WERE RUSSIANS ! The order for removing them was illegal, it was a violation of the treaty that established the Regency a sovereign body ; yet was it sent to Greece and executed, neither resisted nor protested against by Russia !

The mandate of the British Foreign Secretary for removing the majority of the Regency of Greece, because they were in the interest of Russia, is transmitted for execution to the Russian mission itself, marines being landed from the Russian line-of-battle ship, Azoff, to prevent resistance or delay !

It is after this that Otho appears upon the scene. The English Resident, by energetic measures, announced by public proclamation, had prevented that constitution from being framed, which was set down as the condition of the freedom of Greece, and as the consequence of the concurrence of the allies for her emancipation—a constitution which was to embody those “representative principles,” that local faculty of “apportioning and imposing the taxes,” and electing their magistrates, which Sir Stratford Canning at Poros, in 1829, had *discovered* to be the possession of Greece under Turkish barbarism—customs which he declares it would be “unjust and dangerous to deprive them of,” shewing in these words that the European diplomatists were engaged, even from that early period, in that attempt at destroying the liberties of Greece,* in which we find the Agents of England so zealously co-operating during the five following years. These were now, however, to constitute the bond which was to link the new Sovereign to his people, which was to give a value to the oath of allegiance that they were to swear to him, value to the oath of sovereignty that he was to make to them. The Greeks, previously to the arrival of their new Sovereign, had, by the discomfiture of the Russian faction, achieved the power of establishing this fundamental law, when—the Representative of England interposed at once to prevent this consummation, and to reinstate the defeated Russian faction.

This was Greece’s second attempt of emancipation from—Russia. It was compressed by England, as her former one against the Turks had been by England converted into Russian domination over her.

Such was the state of Greece when Otho landed on its

* So in respect to Serbia, the exclamation of Sir S. Canning will remain to testify against others and himself, “They are making Turkey Russian !”

shores, vexed and tortured by Russian intrigue, assisted by England, who, according to the circumstances, displayed concurrence or pretended opposition. From the beginning to the end events in Greece have been led by Russia; from the beginning to the end has England been, now by conscious, now by unconscious agents, made the abetter of her iniquities and the subservient instrument of her designs.

The *Times* succinctly and accurately sums up the transaction as follows :

“ The main difficulty and the chief uncertainty lie, “ beyond all doubt, with Russia. Her policy in Greece “ ever since the outbreak of the war of independence “ has been of the most active kind ; she opened the negotiations of the conference of London ; she laboured to “ establish, first the authority of Capo D'Istrias, and afterwards the prerogative of Otho ; *and more than one “ solemn accusation has been preferred against British “ Ministers on former occasions, for sacrificing the real interests of Greece and of England to the views which “ Russia had adopted and suggested to our Cabinet.** The “ present crisis has undoubtedly been accelerated by no “ power more than by Russia herself, for the language she “ has publicly held within the last few months to King “ Otho's government on the subject of the loan was cal-

* The representative of England in Greece was charged with collusion with the Russian Minister by the Regency of Greece, who sent two missions to England for the purpose of bringing the facts before the English Government. The same charge had been publicly made by the tutor of King Otho, M. Tiersch, and by MM. Abel and Maurer. The same charge was reiterated by the Secretary to the British Legation in Greece,—tracing the collusion to instructions from London. Russia could not have succeeded thus without treasonable practices in the different Courts, and acting upon so many nations and governments, there must have been presented many available individuals.

“culated at once to crush that impotent administration, and
“to rouse all the spirit of the country, which was dis-
“graced by its misrule.”

Sir Robert Peel, on the 15th August, did indeed speak of the obligations we have contracted to Greece. But these were words and nothing more. In practice such admitted obligations are squared to the rule of “expediency.” Greece, or Spain, or Turkey, or Persia, is only thought of to adjust something else, to consider how far it is desirable to sacrifice this point to Russia—that to France—how far this point may be sacrificed in Greece, to obtain this equivalent elsewhere from Russia. Matters of justice, of right, of duty, of international duty above all, cannot be dealt with in this manner, without a degradation of the character of our rulers, no less injurious than the practical malversation; and in the interest of our liberties it behoves us not to allow the rights of other nations to be either infringed or surrendered by our own Government. What would be the character of an agent, who, in dealing with the rights of his client, thought of what was “expedient” for himself?

Lord Brougham accounted for Lord Aberdeen’s proposed Declaratory Bill on the Church of Scotland, by saying, that “nothing but his noble friend’s ignorance of law, could have induced him to bring forward such a measure.” This *explanation* has a much wider scope for its application than the abortive attempt of the Secretary of Foreign affairs to vitiate by a legislative interpolation, the solemn decision of the Judges of the land.

We have corrupted Greece with money—darkened her with protection—contaminated her with doctrines—we have laid during twice seven years, by our power and our influence, a dead benumbing weight upon her heart and frame; her sons hitherto sought relief, by escaping from the freedom and protection that Europe has given them,

back to that oppressive barbarism from which she had saved them ! Now the whole country throws off the yoke which Europe had placed upon its neck. By this act, she has broken the chain of her servility to Europe, and it now depends upon herself whether this change will be one which shall accelerate, or retard her absorption in the general advances of Russian incorporation.

Let any man consider what the different position of the affairs in the East would be at this hour, if Serbia, instead of resisting Russia and coalescing with Turkey, had been an instrument in Russia's hands. Why has not Serbia been that instrument ? Merely because of the excellence of her internal Government. Had into Serbia been introduced "European constitution," there would have been discord and faction, and a people fitted to be slaves or traitors ; in that case Serbia would now be a most frightful weapon in Russia's hand, and would secure to her complete ascendancy, not over Turkey only, but over Austria also. Look, now, at the importance of the position of Greece, and consider what such a country will be in the hands of Russia, when corrupted,—and that will be when the inhabitants of that small state are reduced to a level with the inhabitants of England and France ; who know nothing of their affairs, and allow anything to be done with them or for them. This must be the result of the transferring to Greece, of the causes that have made Europe what it is—their laws and governing habits. Europe therefore has, no less than Greece, a stake in her integrity and independence ; and, therefore no less an interest in seeing that in the opportunity which she now has of remoulding her institutions, if she be wise and not foolish. If she is wise, she will return to those practices and customs, which so startled Sir S. Canning, as to make him fear for and deplore her privation of them. If she is wise, she will sweep away every form and law which the last

16 years have cast upon her. She will go back to her ancient thoughts, under which she had thriven so well, and which enabled her to rise to the strength necessary to maintain that wonderful combat of her seven years war of independence, and which fitted her, from the moment that she had broken with the Porte, to organize herself politically in a manner that was an example and a shame to the so-called free and constitutional states of Europe. If she is wise, she will put away every thing that is like Europe.

If she is foolish, she will copy Europe. What more need be said ?

Wise in her own concerns, she throws obstacles in the path of Russia,—foolish, she opens to her progress a large and fearful inlet. Resistance to Russia there can be nowhere, save where there is good government at home ; and knowing this, it is by disturbing and misleading nations that she prepares the means for her further advance. It is in this science that she has disciplined her mind, and sharpened her instruments, and being constantly in the practice of dissecting states, she has discovered the channels of their life, the joints of their strength, she knows the tissue of their muscles, and where strong to endure, and unguarded to resist. Such is the enemy who stands by Greece at this hour, gazing intently upon her ; such is the enemy who stands holding a Shylock bond over her body ! But Greece has at this moment nothing to fear from Russia, if, no longer fascinated by her basilisk eye, her own eye be only simple. The grasp of her deception has been loosened by experience, and the very faction known by the name of Russian, now repudiates her ; Greece, it is to be also hoped, has, by experience, lost respect, or begins to entertain virtuous contempt for its European advisers. The diplomatic bonds by which she has been so long enthralled, have also been loosened. There is no longer the international agency of England, subserving in a conference, the

aims of Russia, and crushing by the majority of *two* the minority of one, (France). Thus, at the present hour, there is much to hope from Greece, from the change of circumstances around her, but that which is to be hoped, is only in as far as she herself fears her foe, her allies, and herself. Let her take home the words of her own ancient teacher, "It is not ships, or armies, or dominion, that constitute the strength of states, but it is watchfulness." Greece, thus released from anxiety in respect to foreign powers, may concentrate her whole mind on the great task before her.

Englishmen who have hailed her effort as a glorious revolution, by which she has been emancipated from German and barbarian despotism, will applaud her only if they find a transcript of England or of France transferred to her soil, and a public assemblage of faction-elected men, overthrowing the rights and extinguishing the duties of the people who have appointed them, and the authority and the power of the monarch that is placed over them. This they would call "representative government;" then they would call Greece free, and would exclaim "well done!" and expect to find her contented. This would be the consummation of Russia's wishes, the extinction of Greece's prospects, and the overcasting of our hopes. These hopes will be realized only when we see:—

Village government restored, the collection of taxes replaced in their hands, with the control of their police, and all local matters.

An absolute line of separation drawn between local administration and the Government.

Representation of the municipalities to meet as a Commons House of Parliament solely to pass accounts, and to furnish the ways and means, *these to be obtained only by their consent and co-operation*, and to receive and present grievances—requiring the redress of such grievances as the

condition of giving their tribute. This representation must be for the management of affairs, not for the making of laws.

The test of the wisdom or the folly of Greece will be this,—whether she institutes an assembly to enforce the law,—or to manufacture laws. When there is an assembly that makes laws, there neither is a government to execute them, nor a people to respect them. Laws must be immutable if they are just; and once established by assent of the nation, or by the wisdom of a legislator, the nation's safeguard becomes the respect and reverence it bears them; and that state only is permanent which has decreed that its laws shall be immutable.

Laws are the lines furrowed on the brow of an aged society; they are the produce of care, of sorrows, of guilt; they are the signs, the harbingers of decay. States are not constituted by laws. Laws come the bandages to fractures, the liniments to bruises and sores. And it is by such that you would swaddle an infant society! and you would expect life or youth from the man whose head is frosted, and whose cheeks are hollowed by wrinkles!

It is, in fact, when we see the ancient constitution of England—which has the natural character of good government impressed upon its face, and living in its breast, which coincides with the thoughts and habits of all eastern people at the present day—established in Greece, that we will know that one solid foundation has been laid in Europe to build up a state within or to resist a torrent from without. That such a hope may be indulged, her late revolution is an earnest. Unlike such events in *Europe*, it was compressed until unanimous, and when triumphant was moderate. Greece, then, is not yet decayed to the level of Europeans. But there is another chance for Greece. She is possessed of a *man*. We have had recently to deplore the loss to Serbia of a Petro-nievitch, we have now to rejoice that Greece has regained a Colletti.

But if the past influence of Russia over the affairs of Greece did not suffice to awaken us to a sense of danger impending over the new adjustments in that country, independently of those arising out of any internal causes, the recent events in Serbia would suffice to raise our watchfulness to the highest pitch, and to fill us with the deepest solicitude respecting the results.

The very unanimity that has prevailed in the revolution in Greece is ominous—and shews that Russia has looked with a favourable eye upon it. Had she not done so she possesses in that country, however much her influence has fallen, an agency that would have prevented the possibility of unanimity, had the line she adopted been the support of the despotism of Otho. Therefore, it is clear, from the general features of the case, without entering into facts, that she is here taking the patronage and support of the “constitution.” This affords her the opportunity of regaining character, and whilst assuming the lead of the national movement towards the restoration of their internal administration—she possesses herself of the power of perverting it.

In Serbia, Michael was the most useful tool she ever possessed—nevertheless she fomented the insurrection against him—she gave to that insurrection a character of nationality and unanimity, having invited the Porte into concurrence in it, and having given the support of her own direct agency in Serbia to it. The moment that it is effected she turns round to denounce and to attack it; and she used the occasion which it presented by the monstrosity of the pretension to shake the Ottoman government, the Serbians, and the East, by a sense of terror and dread at the very heinousness of her duplicity and the monstrosity of her pretension. She fails for the moment, but the shock that is given to the fortress is repeated by the assailant, and the stability that is undermined by the blow is not restored to the besieged.

Instructed with this recent experience, we have now to turn round from the dramatic scenes that were opened in Serbia, to a new representation to be presented in Greece. There she may pursue the same line as in Serbia; attack the revolution diplomatically, protest against it, interfere in favor of Otho, assist the Constitutionalists, or, as in respect to Serbia, simultaneously adopt these opposite lines. A new arena is opened to foment dissension and for re-exciting external schemes of aggrandisement and revolution. The Crown may be again set up to auction, and new European candidates called into the field of competition, with schemes of a Greek Byzantine empire, and projects of *Hellenism*, to match the phantoms of *Slavism* and *Scandinavianism*, which stalk along the line that stretches from the Gulf of Finland to the Pindus. Every means that can be used to shake, change, convulse, revolutionize—these are her gains. Moreover, every thing is of advantage when that gives to one of her agents the occasion of a confidential conversation with a European minister. The will of Peter transmitted, as an inheritance to his posterity, the thought of mixing themselves up in every difference; they have improved upon the bequest in the practice of intermeddling in troubles—they have learned the secret of making them. These evils cannot be arrested in Greece or elsewhere; in Serbia, in Turkey, in Wallachia and Moldavia, in Persia, in Syria, in Egypt. Nothing can avail to arrest the certain march of disorganization; nothing, save that which restores character and dignity to England. This alone can prevent the realization of the prophecy of Napoleon, who gave fifty years for Europe itself to become Cossack. This we cannot attempt to prevent till we have a few young men made to study diplomacy; and this is impossible until we understand that those to whom are now confided the direction of our external affairs are incapable of conducting them.

We earnestly entreat the consideration of the Greeks now to the counsels and warnings addressed to them ten years ago, by one whose name must be to them the best earnest of confidence in the accuracy of his judgment of their affairs and interests. We refer to the chapter entitled "Policy and Prospects of the New Administration of Greece," contained in Mr. Urquhart's "Turkey and its Resources," published in 1833, and from which we select a few sentences.

"Thus, then, the impossibility of guarding the coasts, makes it necessary to raise the revenue by *direct taxation*, which can only be advantageously done by *municipal bodies*. But the case of raising the revenue directly, renders it unnecessary to *burden commerce*. The advantages of leaving commerce unshackled, points out taxation on property; the expense of collecting points out municipalities; thus are the three principles inseparably connected, without superfluity, without deficiency, forming a complete administrative system." * * *

"But Otho is not a feudal sovereign; he has no hereditary right or prescriptive prerogative, no historic family associations or influential connexions; the name of King is guarded round by no conservative recollections, nor is his throne encircled by victorious legions. Are the measures, then, which would be imperative on a conqueror, to be neglected by an elected sovereign? And what are those measures? Experimental essays, or exotic institutions? No; the preservation of administrative institutions, which might almost be called domestic; which have formed the habits of the nation on the character of the individual, and which cannot be denied without a dangerous attempt at altering not only the political character of the country, but the moral character of the man."

“ Even Napoleon, in his thorough disregard for the moral
 “ part of man, respected the affections of the only system
 “ in Europe to be compared with that of Greece, the small
 “ republic of Switzerland; and in the undeviating uniformity
 “ of his gigantic organization, allowed them to stand the
 “ only exception; he would ‘not interfere with the tradi-
 “ tional customs of the small republics which had been the
 “ ‘cradle of Swiss liberty, and which constituted the principal
 “ ‘title of Switzerland to the sympathy of Europe.’ Could
 “ he have used other words in speaking of Greece? But
 “ more extraordinary, and almost prophetic, are the words
 “ which follow: ‘Destroy those free primitive common-
 “ ‘wealths, and you become a common people, with no
 “ ‘claim for escaping the whirlpool of European politics.’

“ The Hellenic monarchy will be a federation, not a unit
 “ of which the smaller bodies politic are the fractions, but
 “ a multiple of which these are the integers; these, while
 “ to a certain degree they may be strangers to each other,
 “ and separate in jurisdiction, will be equally submissive to
 “ and equally dependent on the central authority.”

It appears so startling to European readers to hear of rights and liberties possessed by the Greeks under the Turks that we consider it necessary to refer to the works in which they will find detailed and authoritative expositions of those rights and practices. 1st. There is the work from which the above extracts are made. 2nd. “*L’état actuel de la Grèce*,” by Professor Thiersch. 3rd. “*The Greek People*,” by M. Von Maurer, Member of the Royal Regency in Greece. 4th. “*Diplomatic History of the Monarchy of Greece*,” by H. H. Parish, Esq., late Secretary of Legation in Greece. These works are specially devoted to the political institutions of the country. They appeared between the years 1833 and 1838, and there has been no contradiction of their statements or refutation

of the conclusions, that the management of the affairs of society and government have been better understood by the people and former rulers of Greece than by European nations. These several works shew that Europeans have not been fitted even to understand what they see, and that they have never interfered except to injure. These conclusions are those of the men most conversant with the subject.

We subjoin a few extracts from the Greek journal "Sauveur," which exposed, in a series of articles in the course of 1834, the administrative customs and laws of Greece under the Turks.

"The municipal rights of Greece have existed from the remotest period. The patrimony of the citizens who lived under the Roman yoke, transmitted from age to age, modified by each successive conquest, was acknowledged and respected by the Turks. The fact is, the municipal system was not repugnant to their customs and the laws which governed their ancient tribes and united them to the body of the nation." * * *

"The deputies united in the capital of the province, where the Cadi resided, proceeded, in presence of the judge, the Voyvode, &c., to the nomination of a Codja-Bachi, (Greek primate,) of an Ayan, (Turkish primate,) and of a treasurer." * * *

"The newly elected officers immediately commenced their functions, which lasted a year, and opened the provincial council. The members of that council were all of them, as we have just seen, elected in a popular assembly, and formed the administration of the province. The Voyvode alone was directly named by the Pasha."

"Each province had a Bouluc-Bachi or chief of the gens-d'armes, under the orders of the Voyvode and the provincial council. The council might displace him when-

“ ever it thought proper, without referring to the Turkish
 “ authority.” * * * *

“ No tax of any kind, which was called for by the wants
 “ of the government, or of the country, could be levied
 “ without the express consent of the provincial council, as
 “ well as that of the mayors of the towns, burghs, and vil-
 “ lages. The mayors assessed this tax proportionally
 “ amongst the families.”

* * * *

“ The Pasha had associated with him a Greek assessor,
 “ named by the Turkish government on the proposal of the
 “ first dragoman of the Sublime Porte. This assessor was
 “ bound to be the natural protector of his countrymen. It
 “ was he who presented all the business to the Pasha.”

* * * *

“ Each province sent to the residence of the Pasha, as
 “ deputies, one or two primates, who, with the Turkish
 “ Ayans, formed his council. These primates united in
 “ assembly with the assessor, examined all affairs, delibe-
 “ rated on the measures to be taken, and on the propor-
 “ tional assessment of the taxes demanded by the Pasha.”

* * * *

“ The communal system in force in continental Greece,
 “ resembled in many respects that which governed the
 “ Peloponnesus. The towns, burghs, and villages, elected
 “ representatives, who named the provincial primates by a
 “ majority of votes.

“ These primates composed the assembly, or provincial
 “ council, and their functions were either for life, or here-
 “ ditary, or temporary, according to the provinces.

“ No administrative or judicial authority, either Turkish
 “ or Greek, could interfere in the election of these primates.
 “ The provincial council could alone authorize the levying
 “ of taxes.”

THE WORDS AND ACTS OF SIR R. PEEL, AS
INFLUENCING IRISH AGITATION, AND
BRINGING REPEAL.

“Nulla partium cura, malis publicis læti.”—*Tacitus*.

It is remarked by M. Villemain, (at present Minister of Public Instruction in France,) in his *Life of Cromwell*, that the very genius of great men extinguishes their fame;—for that which they do well they do with such ease, that the event which they have moulded seems the natural result of fortune: whereas, when power is wanting, and great visible efforts are made, merit is attributed to the workman, rather because of his deficiency than his excellence. It is in this way that Mr. O’Connell obtains fame for doing much,—Sir R. Peel reproached for doing nothing; while, in fact, the merit reaped by the former, justice will award, and posterity attribute to the latter.

Whither is Mr. O’Connell proceeding? To the Repeal of the Legislative Union of England and Ireland. This end can be approached only by acquiring importance for himself, and giving importance to the proposition in Ireland, first, and then in England: for it is in *England*, not Ireland, that the measure has to be carried. It is a speculative proposition, which, when brought forward in the House of Commons, has to be supported and met by argument, and to be accepted or rejected by vote. The proposition has not yet had strength to enter the doors of the House of Commons. It was as yet a phantom, a figure fantastically dressed up to fill with foolish fears.—What triumph, if before even its shadow had reached the circuit which he commanded the Premier of England should utter cries of dread and alarm.

Sir R. Peel is reported to have spoken as follows:—

“Deprecating all war, and especially civil war, there

“is, nevertheless, no alternative which I would not consider preferable to Repeal.”

War is either just or unjust, lawful or unlawful.—“*All war*” signifies,—if signification there can be where there is contradiction—at one and the same time, justice and injustice, lawfulness and unlawfulness. An unlawful war is murder—it is committed by a *whole nation*. Lawful war is just and necessary defence, and the defence of a whole people. But what connexion is there between war of a foreign kind and an internal dissension? How could such a word be introduced? Civil war is in the assumed case of course to be a just one, on his side at least—and yet Sir R. Peel makes it worse than that which is the blackest of crimes—while that is no worse than the most patriotic of virtues! Sir R. Peel, in uttering the sentence “deprecating all war,” had it inferred by his easy audience, that deploring as much as any man could deplore the having to make a war that was necessary, he must much more abominate a war of injustice, of ambition, of lawlessness, and of passion; and yet in that very sentence he drew the listener on many steps towards the point where he was fitted to accept, and prepared to desire that very war of injustice or of passion which seemed so far from the disposition and thoughts of the speaker. Sir. R. Peel had placed before the listener or reader, a term, “all war,” common alike to just defence and to murder; and deprecating a war that was necessary as much as one that was criminal—he could censure one that was criminal, only as much as one that was just! This single sentence suffices to obliterate the line between duty and crime in every man’s breast, and to strike down in the land the barrier reared by our fathers, and the laws between war and peace.

Sir R. Peel has made war—he has sanctioned war when made by others. He had supported wars that he has de-

nounced—he has himself put his hand to the conclusion of wars that he has repudiated—he has himself taken the initiative and made wars when no necessity impelled, and no justice required ; he has made them in defiance of every law of God and man, devoting his own head as a forfeit, for this indulgence. For the last five or six years what has England been doing ? Her hands have incessantly been imbrued in blood without warrant. Her occupation has been the shedding of men's blood. During the whole of his time, Sir R. Peel has been the leader of a powerful opposition that could control the Government. But taking two of the acts that have occurred since he himself has been head of the Government—the second invasion of Affghanistan and the occupation of Scinde—these were undertaken to gratify the lusts of vengeance and plunder—there was neither desire nor passion *in him* to excuse the deed—there was but the absence of integrity and the habit of “ expediency,”—the courage to dare anything that could be dared with impunity:—courage against the laws of God—fear for the opinions of man.

What worse can be committed than that which has been done ? What more sacred is there to violate ? Is there anything to astonish more in the idea of “ Civil War,” than there would have been a few years ago, to astound in the idea of foreign war ? The way is opened. You have entered on this career. Why scruple to shed in Ireland the blood you shrink not from shedding in Scinde ? What matters the region or the victim ; blood is blood—murder is murder. For what you have done in China, you will have better reasons in Ireland, and the crime will not be blacker. How shall you, who have smitten with the sword, not be smitten by the sword ? You who have planted dragons' teeth, shall you not reap your own harvest ? Are you to be reft of those delights at home, in which you have revelled abroad ? Is the vengeance of

heaven not to punish such crime, as it is fit it should be—by its own accursed hand? Yes, *Civil War*. you will have, and even then you will not repent.

What other lips, save those of the Premier of England, could have ventured to utter the words “CIVIL WAR!” These lips give weight to words, which, if spoken by another, would have excited scorn and mirth. The acts of a ruler of the people are not performed by his hands, but by his tongue; and what from another man would be idle breath, from Sir R. Peel is converted into fatal reality.

But against his prophecies every man can labour, by exposing the fallacies with which he deludes, and is deluded.

What ratio is there between civil war, and a proposed alteration of an act of Parliament? Civil war is commenced as all war, by an aggressor. If there be an insurrection the law is violated—it is crime that is committed. Repeal does not come in the flesh, and if those who seek it commit deeds of violence, it is not the proposition upon which war is to be levied, but it is criminals that have to be punished. The agitators have to make assault. The Government remains behind the strong and armed defences of the law—the bounds of which the assailants have to violate—and this limit Government cannot overstep. If the assailants become so numerous and fierce as to attack the Government, then does the Government defend the law; but that is not making “civil war” as an “alternative” for Repeal. If Repeal comes through the House of Commons, Sir R. Peel must make his “civil war” against Parliament. If it comes not through the House of Commons, but is attempted by violence, then must the Government put down the assault upon the Parliament. This is not an *alternative*, but a *necessity*. It is not in Sir R. Peel’s power to adopt the one alternative; so also is it not in his power to reject the other. There is here no alternative,—in him no power of accepting or rejecting

either. If civil war comes, it will come not because Repeal has been rejected, but because it is advanced; and Repeal will advance, not because civil war is put under, but because Sir R. Peel by his breath has brought its shadow over the land.

This, then, cannot be a question of civil war between the Government acting legally and Repeal, because nowhere can the Government and Repeal touch each other. The danger is from the breaking of the Law by the Government itself.

The very word *Repeal* tells the whole story;—that is their symbol, their flag; and it implies submission to Parliament—that is *their position at present*; SIR R. PEELE MAY MAKE IT DIFFERENT.

Repeal is not a borrowed emblem of republican doctrines; it is not even a new proposition, it is only the proposal to change one of those statutes that are daily changed; it is the restoration of what was; it is a return to what has been already tried; when men are ready to make changes to what never was tried. It is a return that has been prognosticated, as it was a change that was denounced at the time by the best lawyers, the greatest patriots, and the most revered names. It was agreed by the greatest of the legal authorities of either faction, Plunkett and Saurin, that the legislative Union and the extinction of the Parliament of Ireland, was what neither the Parliament of England nor of Ireland could legitimately do. The Irish Parliament could not extinguish itself, and the English Parliament could not decree such an extinction.

“ I tell you,” was the declaration of Lord Plunkett, during the discussion of the Union Act, in the Irish House of Commons, “ that if, circumstanced as you are, you “ pass this Act, it will be a nullity, and no man in Ireland “ will be bound to obey it. You have not been elected “ for this purpose. You have been appointed to make “ Laws, not Legislatures. You are appointed to act under

“the Constitution, not to destroy it. You are appointed to exercise the functions of legislators, not to transfer them. And,” concluded that eminent lawyer and statesman, “if you do so, *your act is a dissolution of the Government, and no man in the land is bound to obey you!* Do not dare to lay your hands upon the Constitution! *It is above your power!*”

It is this speculative proposition that Sir R. Peel meets by placing an alternative against it. And *such* an alternative! This is not debating subjects, but trenching discussion, by the arousing of passions and the enlisting of partizans, ranging in the ranks of his opponents every man who wishes to see plain dealing and freedom of debate. It is against a speculative speculation that Sir R. Peel would deliberately array England in arms and involve Ireland in blood!

The Repeal of the Union is a question which every man is at liberty to discuss, and to use every constitutional means to carry. It is a matter agitated indeed at present for the purposes of individual ambition, and therefore it is *the more dangerous to give to it strength, either by vain and idle comment, by muttered threats, or by illegal repression.* In the present discussion, and in its consequences, the merits of the question are of no value whatever. If the matter were important, it would excite no interest. A nation that neglects its serious business, cannot attend to any thing save that which is trivial. There is in it importance, but it is only that given to it by the growth of passions, and the perpetration of crimes;—able villany deceiving a simple people upon the one hand, vacillating incapacity betraying a nation upon the other.

Circumstances and events are what men make them. That word, now so full of ominous import, “Repeal,” might be an image of a very different order; and from one of the most pernicious, might become, or might prove one of the most auspicious of events. It is Ireland that

is the enslaver, it is England that is the enslaved. Ireland has enthralled England with the curse of her Parliamentary domination. The party at present in office used to be very much alarmed at the idea of Roman Catholic representatives in the House of Commons. Now that these have been introduced, a stranger, not initiated into the passions of the hour, would suppose that they would gladly grasp at a proposal by which these same obnoxious Papists would be shut out from the Imperial Senate, and shut up in a provincial diet. What would be such stranger's astonishment to learn, that these men not only rejected the proposition, but were ready to go to war to retain above them their Irish masters?

The Repeal of the Union, which Irishmen look to at present, for the gratification of their self-love, might have been, if agitated first in England, the theme of the patriotic effusions of Englishmen, and the aim and object of their just and loyal efforts to rid themselves from an usurpation by which they were at once enslaved and degraded—an usurpation which directed its power not to the obtaining of benefits for Ireland, at the expense of England, but to the plunging of the whole empire in the abominations of internal faction and external crime. Such would have been the difference of the aspect of this proposed Repeal of the Legislative Union of England and Ireland, even with the present thoughts of men, if the question had been first taken up by an English, instead of an Irish agitator.

Auspicious, again, might be the words "Repeal of the Legislative Union between England and Ireland," if they announced a revulsion in our national judgment, and a drawing backwards of our steps from the fatal bourne of Centralization. To this Centralization we owe the practical difficulties in which we are involved, the mental confusion by which we are surrounded, the multiplication and the powerlessness of laws, the extinction of

the knowledge of affairs and of citizenship. All the bad has come, and all the worse that is in store, will come from that Centralization which gives power without knowledge, and imposes obedience without law. In this fatal course of England, there is no arrestation until she has made up her mind to restore what she has destroyed, and to destroy what she has recently built up. It is not merely the restoration of its Parliament to Scotland and to Ireland that will be parts of this restoration when it occurs, if ever it is to happen, but it is the restoration to each province, to each county, to each city, town, vestry and village, of a portion of the management of its own affairs; the regulating of its police, the collection of its taxes; and thus alone can be restored knowledge of affairs to the nation, and the frightful usurpation of a large club of ignorant and factious men—usurpation extending to every branch of affairs—external and internal, (and who have usurped only to mismanage,) be put an end to. The country has to be saved from the Parliament, and sense has to be restored to the country. Neither the one nor the other can be done, save by giving to the people an interest in their own business, by the practical management of it. Nor are the worst parts of this Centralization of very ancient date—they are of little more than a century's duration; and from the time of Walpole down to the present day, the most notable event in the progress of the system has been this very Union of Ireland with England.

That union was effected by means that were in harmony with the thought—money, perjury, corruption. Against it were arrayed what honesty and talent yet existed. The question was not fought in the arena of the House of Commons. The House of Commons was then a docile instrument of the Minister. That question was debated in the Parliament of College Green, as a question strictly Irish, as a surrender that was to be made by Ireland. It was treated of in the Parliament of College Green, because

there was there the spirit of resistance, that spirit was, however, subdued by the power of England having been brought to the corruption of Ireland's Legislators; and a base majority sacrificed the ancient, and still unextinguished honour and rights of their country, pandering to the gratification of the wounded self-love of a British Minister, who inflicted legislative death upon Ireland, for objects not of public though misguided policy but of private vengeance.* During the last few years, Ireland has repaid England ten-fold the debt of wrong, without having cancelled the obligation. Proclaiming herself a conquered country, she has secured, by her phalanx of representatives, the command of England; and used that command to enable a great criminal to involve this country in a course of the most colossal crime—crime the magnitude of which, in guilt, is only rivalled by its magnitude in injury. These crimes, by which the world has been tortured and convulsed, by which England has been left without a friend, and with none but foes, and which have signed and sealed her ultimate and utter destruction, unless they be reversed,—these acts have been practicable, only because of the support of the Irish faction. It was they who gave to the plotter of these acts the power of committing them, by enabling him to command his own party as well as his antagonists.

Such have been the means and the objects of this union, such the fruit that it has borne. We have in Ireland been sowing the wind, and we have reaped the whirlwind; and frightful as has been to England this union and its consequences, it may be still more fatal to England in its reversal than in its enactment.

* The secret of the Union was the disinclination of the Irish Parliament to pass the Regency Bill in favour of Pitt. The dissensions between Catholics and Protestants were refomented by prompting rebellion, as furnishing the pretext and means for carrying the Union by which that Parliament was to be annihilated.

While he gratified his listeners in the House of Commons with the energy and determination which was exhibited by the sentence, "alternative for repeal," could Sir R. Peel have unconsciously offered such encouragement to agitation; could he in ignorance have thus conferred importance upon agitators in their own eyes and their followers; could he have declared this to be a matter of such grave, and deep, and paramount importance, unless he expected to be justified by the results which those very words were to produce? There is here either an imbecility that one cannot credit, or a design that one dares not suspect. One is left utterly confounded and bewildered on the reading of each sentence of the Premier that bears upon really important events, and the only refuge that one can find is, that his mind, being intent in gathering in the weaknesses, and vacillations, and follies, and prejudices of his hearers, he is occupied on each occasion with the tissue of his sentence, and not with the meaning of his words. Whatever the explanation, the fact is evident, that Sir R. Peel has given importance to the repeal agitation while arraying the power of the Government against it, and thus accumulating on either side materials for the awful contingency which he so familiarly articulates. Men are appointed Ministers of State for the public good, and their acts are our property. It is our part, and our duty to judge them, and it belongs to the law to punish them, if they either misuse their power, or transgress the law. Their motives are nothing.

The next step is a proclamation, forbidding a certain Meeting to be held, assigning reasons for this command as follows:—"Whereas, the said intended Meeting is "calculated to excite reasonable and well-grounded apprehensions, that the motives and objects of the persons "to be assembled thereat, are *not the fair legal exercise of* "constitutional rights and privileges, but to bring into

“hatred and contempt the Government and Constitution of the United Kingdom, as by law established, and to accomplish alterations in the laws and *Constitution of the realm, by intimidation and the demonstration of physical force.*”

Therefore, the Lord Lieutenant “strictly cautions and forewarns *all persons whatsoever* that they do abstain” from attendance at the said Meeting.

A person may caution another against the consequences of his acts, and warn him of the danger he incurs; but to caution and warn “that they do abstain,” is nonsensical. It would have been illegal to forbid to do that which is not unlawful—attend a public meeting; the order that could not be legally given is masked under the words “caution,” and “warning.” This meeting was no new proceeding in Ireland. Large public meetings are not novel events in the history of England, they are of every day occurrence; and the present Constitution of England,—the Reform Bill,—is their produce. There is no law that forbids them; but there is a law that provides for their dispersion, even by armed force, if they violate the peace, or even if they endanger it. But, then, the law also holds responsible the individual Magistrates, to whom is left the faculty, with the responsibility of using this power. The object of this proclamation is to diminish, if not to destroy, the responsibility of the agents that Government may so employ in Ireland. The effect, therefore, of this proclamation, assaulting as it does the practice of England, and the sense of right and law in its people,—is to strengthen the agitation of Repeal by the weakening of the hands of the Government,—is to strengthen Agitation by exciting and gratifying the Orange party in Ireland by the *firmness* of the Government,—is to strengthen the agitation for Repeal by giving to it the sympathies of a large proportion of the people of England, at present neutral or opposed, who are attacked virtually, as much as the Irish Re-

pealers, by this proclamation, levelled at the law of public meeting.

The charge alleged in the Proclamation is the "not fair legal exercise of rights and privileges." That must be the *illegal* exercise of rights and privileges. Was ever presented by chicane to folly so execrable a jumble as this? "Legal" is an epithet distinguishing the proceedings of a Court of Law. The legal exercise of rights and prerogative would be their exercise in a judicial manner. There is no other meaning in the word than this, and otherwise applied, it is improper and false.

But let us put "lawful" for "legal"; and still with this rectification, the Lord-Lieutenant of Ireland, with the Privy Council, stand no better than they were. The term "lawful" has no meaning as applied to the acts of a private citizen. It is lawful for a citizen *to do whatever the law does not forbid*. It is lawful for a Government *to do that only which the law sanctions*. When the citizen transgresses the law, he is not without the law, but against it. But when a government acts, save with and by the authority of law, the act is not unlawful only, but criminal. Unlawfulness and illegality is the crime of Governments—it is the worst that they can perpetrate. Here the Government unlawfully forbids that which the law does not forbid, and this on the allegation against private men of a crime which the Government was committing, and which it was not in the power of those to commit, against whom it was alleged.

To cast upon a nation false and fallacious terms, such as these, is like flinging plague-infected shreds into a city. And what is the lamentable picture presented here! A people who resigns in generous confidence its destinies into the hands of a man that it raises pre-eminent above the rest, who is so in his natural talents, acquired knowledge, judgment of the weaknesses of men, and dexterity in their

use; that man, standing upon that height, looking down upon that people, uses that superiority of intellect and position to pour forth upon them lying and corrupting speech to bewilder their senses, and to lead them, consciously or unconsciously, into a fitting state for the violation of law, and cultivating in them convulsion on the one side, and agitation on the other! alas! if *merely to save his self-love from the taunts that he is doing nothing!*

By the sentence "alternative for war," Sir R. Peel heaped fuel upon the fire. By this Proclamation he has loaded the safety-valve.

To make the attendance upon a public meeting a criminal act, requires either a forced interpretation of the law, or a new law. Such an attempt must weaken the position of the Government, by bringing it down to the open plain of public or forensic contention, like a body of heavy troops compromising its colours and drums in guerilla warfare. They give at every turn a new ground of attack, furnish new sources of agitation, involve themselves in the necessity of maintaining their false position, whether assumed by declaration, or by procedure before the courts of law, where each Repealer that is brought will become now the champion of the Laws of England, and of the liberties of British subjects. Sir R. Peel has, by this Proclamation, displaced the Parliament, and ineffectually assaulted the law; his Proclamation will not stand him in stead in a court of law—an act of Parliament might. He cannot yet overrule a single judge—he may command a whole Parliament. He should have gone to his Parliament.

But, by whatever means attempted, or by whatever argument it will be justified, this Proclamation, assuming the power in the Government, of declaring public meetings to be illegal, must have the effect of giving an interest in this special matter of Repeal to a large portion of the

British nation, not hitherto interested in it, but rather opposed to it.

The Repeal agitation, left to itself, could approach to a position of menace by one of two ways,—the one, by infraction of the Laws, the other, by the change of an Act of Parliament. If the agitators had fallen into the first course, the whole body of the English nation, and a great portion of Ireland, was rallied to defend what was assailed ; and the Law itself was there at once to punish the guilt. Surely such a position was not to be descended from ; and as to the change of the Law by the Parliament of England, it is a question far too remote at present to be considered. With reference, then, to the first,—the prevention of agitation which might hereafter endanger the public peace,—it is, of course, the proper duty of Government to provide every means to repress outrage or violence. That is a matter of police. *But the malady has to be dealt with in its source and cause.* That is a question of Statesmanship. The present Government has not the thought of dealing with the malady. It is to its acts that is to be attributed the aggravation of the symptoms.

We have, in former observations upon this subject,* traced the simple progress of this question. There was deficiency in the Revenue, the result of malversation ; the present Government did not prevent the malversation which caused the deficiency,—they sanctioned it in its whole course, glaring and monstrous as it was ;—they came into office to accept its responsibility, by not punishing it, and by immediately applying themselves to find means for supplying the deficit it had occasioned. The measure for supplying that deficiency bore with peculiar pressure upon Ireland ; and as disease flies to the weak part, so also was Ireland the part that suffered in this change. And thus

* See “Connexion of Repeal and the Tariff,” in the Portfolio of August, 1843.

was the field of agitation opened to Mr. O'Connell, by the Tariff of Sir R. Peel. O'Connell, justly estimating the effect of this measure on Ireland, and profiting by it,—as he had done in the question of Catholic emancipation by Peel's Currency Bill,—at once abandoned the House of Commons, *where he had at the same moment become powerless* because the factions were no longer balanced, and brought his whole force to bear upon Ireland, at the moment when it came to be pinched by the diminution of the value of its raw produce in the English market,* and *by the increase, through the fall of prices, of the value of the money which it had to pay as rent.*

For this present agitation, then, Sir R. Peel is trebly responsible:—1st, in suffering money to be expended for guilty purposes:—2ndly, in supplying the deficiency by means that have reacted injuriously on Ireland:—3rdly, by giving importance to the agitation: both by his language in the House of Commons, and by his attempted extra-judicial repression.

We have before shewn, that the Repeal agitation in Ireland is a result of the crimes conceived in the Foreign Office, and while insurrection in Ireland or elsewhere is but a just retribution upon England, such a contingency will come in the direct line of consequences from those crimes. The agitation thus produced may be, by the present rulers of England, converted into rebellion and

* “The present times bear intolerably hard on the Irish farmer. There never was a period perhaps in which his condition was worse; for though prices have been lower at other times, still the means of meeting his rent was more in his power; and, besides, the rent itself was considerably lower. The great majority of holdings has taken place since the great rise in prices, and the rents were proportioned to the increased value of agricultural produce. Now, when prices have fallen, rents remain the same, and the farmer finds it almost impossible to meet his demands.”—*Dublin Monitor.*

“civil war.”* This connection is clear when the parts are understood. But when each separate subject is taken up as a matter of distinct inquiry, we can trace no connection through the parts of the state. The remedy for Ireland,—long misgoverned by laws, now tortured by men,—was to be found in the restoration of England, in the enforcing of her laws at home, and in the knowledge of her business abroad; things simple and easy from the moment that they are understood. The prevention as the cure of the evils of Ireland, were, and are to be found, not in Ireland, but in the knowledge of those things that constitute citizenship. Ireland is not a separate incident—it is not a local disease. It is one of the diseases of England, or rather it is a local symptom of her general disorder—a disorder not disseminated in small portions in each individual, but in each entire. The evils in Ireland can be stayed only by the cure of England’s disorder. Until then, every sore that is open will run and fester. There will neither be antidotes administered for the in-

* The most intellectual of cabinets judges by the *characters* of the actors. The ambassadors of Russia, in writing to their Cabinet, respecting the war against Turkey, in 1829, make the most important considerations to turn on the *character* of the Duke of Wellington. Prince Lieven writes as follows :—“Singular combination of timidity and audacity—the Duke of Wellington provokes often the chances which he apprehends, and thenceforth he confronts them, without calculating the real consequences of his determinations.” * * * “He avoids, and even dreads the examination of the situation in which he stands; and, according to his custom, confides to events the care of overcoming difficulties.”—*Portfolio*, August, 1843.—Surely this same character must influence our internal affairs. We have already seen that whatever the Duke of Wellington has resisted, has been brought about, and that Sir R. Peel has lent himself to bring about the measures he opposed.

fection, nor the power of health possessed by the patient. Three months ago we said that in dealing with Ireland, there would be no thought even of going to the causes, but merely vain and extra-judicial attempts to restrain the symptoms. The words we employed then as prognostication, we might now employ as description of what has happened.

It has been said and reiterated by men whose words are worthy of consideration, "England can be undone only by her Parliament." Parliament is now busily engaged in that task, alike by neglecting what it is its duty to do, and by occupying itself in that which is worthless and contemptible. Look here, upon this picture of a British Statesman, painted by one of themselves.

"Party, the abuse* of party, is the master evil of our times. I speak the result of all my experience, both as a Minister, as an Opposition Leader, as the dispenser of patronage, as an independent Member of Parliament and as one of those who, of the public men living, has longest mixed with statesmen, and been longest concerned in public affairs, when I declare it as my deliberate opinion, that the mischiefs which may be traced to this source are the very worst that threaten the State. The corruption of public morals upon questions of a political and even religious kind—the perpetration of foul injustice to individuals and to classes of men—the habituating of the people to witness such sights, and even to approve—the dissemination of falsehood—the encouragement of malice—the habit, at once dangerous to the understanding and the heart, *of regarding lightly matters of the gravest concernment, and of attaching unnatural importance to the most inconsiderable*—these are the fruits of this evil plant, as regards its influence upon the people at large. To statesmen it proves as pernicious.

* Letters on Law Reform, by Lord Brougham.

“ The Government is paralysed by the impossibility of calling forth the ablest services to the use of the country, and oftentimes of holding the course most expedient for its interest or its safety. Questions are raised that may endanger the public tranquillity, raised not for their own sakes, but as the means of harassing one class of politicians or aiding another. The Ministers *who are as much bound steadily to pursue the course best for their country's interest, as judges and jurors are to decide according to the merits of the case before them*, are COMPELLED (!) to give way before the disturbing forces,* which party introduces; and the same men who would on the bench, or in the jury box, shudder at the bare idea of letting the interests of their sect, or their party be as a grain of dust in the balance committed to their hands are OBLIGED (!) to shape their *public* conduct by the claims, oftentimes by the clamours, of a faction. We really have reached a state of things in which may be applied to party, the curse of our day, the language employed by Mr. Pitt, in describing Parliamentary corruption, the curse of his:—‘ It makes it difficult for the country to have good Ministers, and makes it impossible for the best, well to serve it.’ ”

Is it such men that are to rectify what is wrong—to establish what is right? This picture is read by the nation at large; they discover what their rulers are, and they are not startled,—for such as the leaders are, such are the people. Look too at the lamentable exhibition. One of them undertakes the exposure, and yet he even has not so much as the thought of cure.

* By this single word “ *compelled*,” all instruction is lost. The edge of reproach is turned—and he who points out the crime of dereliction of duty, also absolves the guilty from its guilt. It is a state of things which *they endure!* They are victims to be pitied, not meanly guilty men to be detested and punished!

It is in virtuous and simple ages that states are built up; it is in corrupt ones that they decay. It is not in propositions and theories that the remedy can be found—the only remedy is in honest men. Without honesty ability is dangerous; and if there were honest men could a Lord Brougham speak of men being “*compelled*” to violate their oaths and “*obliged*” to obey the clamour of faction? The time was when the aims and struggles of faction were noble, and compared with ours virtuous—the time was when some leader’s pre-eminence, some party’s triumph, might be hailed without contamination—the time was when factious men had to wear the mask of honesty and to raise the flag of patriotism—but “*nunc pro Othone an pro Vio- tellio in templa ituros? Utrasque impias preces, utraque detestanda vota, inter duos quorum bello solum id scires, “deteriorem fore qui vicisset!”*

THE ENGLISH CONSTITUTION.

No. II.

By the battle of Hastings, William the Norman established his succession to the Crown, and ended the brief usurpation of his competitor. Henceforward the adherents of Harold were at the mercy of a conqueror who had enemies to punish, and followers to reward. To these the Conquest presented itself in the worst and most complete occupation. Over them, at least, the conqueror had acquired an absolute dominion. Their lands and chattels were in his hands, their rights and franchises at his feet. He was the successful claimant in the great Trial of Battle, which had ended for them so mournfully. The issue which gave him the crown, branded them with the guilt of having rebelled against it.

But to the rest of the nation, the change could not have appeared so important. If Harold was a Saxon by birth, he was one undoubtedly of no royal stem; and,—whatever the rights of the able invader against the irresolute and incapable Atheling,—when compared with the pretensions of the ambitious son of the low-born and hated Godwin, they were undeniable. If William was a stranger, so had been Knut and his two immediate successors. If the Northman was only of a cognate stock to that of Cerdic, he was of closer kindred to the powerful tribes of the Danelagh. He had been the bosom friend of the Confessor; and, if fame spoke truly, he had been by that revered prince, pointed out as the fittest occupant of the now vacant throne. Nor was this extraordinary. England and the Duchy were close neighbours and near allies. From Normandy the late King had derived great and timely succours in his necessities. His mother was a Norman

princess. On the other hand, the royal blood of England flowed in the veins of Maud, Duke William's consort.

If these considerations did not engage, on William's side, the hearty zeal of the people, they at least were calculated to disarm hostility. When, therefore, the death of Harold had broken up the party immediately opposed to him, he met with no further resistance to claims, based, not on the power of the sword, but on the laws and constitutions of the kingdom which he had sworn to observe, and thus made it his obligation, as it was his policy to maintain.

If he had nothing to fear from the resistance of the nation, there was no cause to apprehend, that the tranquillity of his succession to the crown would deprive him of the means of contenting, to the full, the cupidity of his followers. Domesday book contains the record of the ample crown lands, possessed by the Confessor at his death, and thence called to this day the "*Terræ Regis*," or "*Lands in Antient Demesne*."* Nor were these his only resources. If his claim were well founded, if he had indeed inherited the Crown of England, it was from the moment of the death of the Confessor. Whatever opposition he had since met with, was consequently treason, punishable with the death, or, more mercifully, with the forfeiture of the offenders. Every man who had fought against him at Hastings, every man who had made ready for the same, was in that position.

• Those who survived, and the heirs of those who fell, could not occupy their paternal estates, without disherison of the Crown to which these had escheated. Of

* According to Lord Lyttleton, the Conqueror himself held no less than 1422 manors of his own demesne, besides his seigniorial rights as suzerain over the fees of other lords. (*History of Henry II.* vol. ii. p. 288.)

another kind of disherison they were guilty, who had accepted grants of crown desmesnes from the usurper Harold. Against these there was nothing in the Saxon law to prevent, but every thing to urge, prosecution of the desired measures. Those only who came not within one or other of these classes, could claim to be exempted from the confiscation.

With whatever results, such were the maxims on which the Conquest was based, and by which it was sanctioned. Long afterwards, they continued to be assented to. In the reign of Edward the Third, we find Judge Shardelowe expressing himself to the following effect: "The Conqueror came not at all, to oust them which had right possession; but them which, by their wrong doing, had occupied land in disherison of the King and his Crown."

A curious illustration of the Judge's words is to be found in some of the earlier writers.

Edwin of Sharborne, (whom the Conqueror had ousted of his lands, that he might give them to William de Warenne), and certain others who were also ousted of their lands, came before the Conqueror, and said, that never before his Conquest, nor during his Conquest, nor after, had they been against the King by counsel, nor by aid; but had kept them in peace;—and this they were ready to verify, as the King should ordain. On which the same King caused Inquisition to be made throughout all England, if it were so,—the which was actually verified. Wherefore the same King commanded, that all they which had so kept them in peace, in manner aforesaid, should have again, all their lands and demesnes, as entirely, and as peacefully, as ever they had them or held them before his Conquest.*

* Spelm. Gloss. voc. *Drenches*. Camd Brit. p. 350. Davis's Irish Rep. fol. 41. a. b.

It makes nothing to the purpose that the Chronicles of the time, agreeing with Domesday, speak of a very general transmutation of properties from Saxon to Norman lords. We must take care that we do not lend to these statements, a meaning which their language does not warrant. We must remember that Domesday-book was not begun until considerably after William's accession, and that it was finished only in the last year before his death. Between the beginning of his reign, and the completion of Domesday-book, there had happened many an unsuccessful insurrection against his authority, and, as an inevitable consequence, many a forfeiture. Marriages, escheats, and the other incidents of tenures, must also be taken into account. Certainly these were circumstances, which should have wrought great alterations in the proprietary class;—changes not limited to Norman times, but extending far down into those of the Plantagenets. Yet there is important evidence to shew, that even in the reign of Edward I. the change was very far from universal. Among the parliamentary writs of the 9th year of that reign, there has been found a solemn document, purporting to contain the unanimous certificate of ten eminent lawyers, with the subsequent confirmation of the same by the King in Council. It states, that “in writs of *quo warranto*, touching the tenure of a manor, it must be expressed to be either a manor of our Crown, or one that ought to be in our hands, as an escheat from the lands of Normans; *for there be many manors, that be neither of the Crown, nor of the lands of Normans*; wherefore, in claiming the tenement, it is fit that the matter of the claim should be expressed.”*

When to these considerations are added the great uncertainty and looseness in the language of all contemporary authorities,—insomuch that it is often difficult to

* I. Parliamentary Writs, p. 383 (7.)

collect, whether the Crown Grants, recorded to have been made, were made in respect of the land itself, or only of the superior services issuing out of the land,—we shall find no reason to conclude that the general change in the proprietary classes, which is commonly associated with King William's reign, took place at all: much less, that his conquest was the cause of it.

But, if William came in by act of law, and not by Conquest, in the vulgar acceptation of the word, so had his barons. The law of England maintained them, in the possessions which the lawful sovereign of England had conferred. It was not their policy to suffer the abrogation of that law, even were it his to attempt it. They were not the less fitted to appreciate its value, from the circumstance that to them it was not foreign or strange. The Teutonic Institutions were all of one family; all presented the same likeness.

The names might have been changed, and the individuals; but the Saxon institutions did, for the most part, long survive the Conquest. Thus the "Sapientiores" or "Curia" of Norman legists were but the "Witan" of their predecessors. When the Saxon Chronicle commemorates the assembling of the "Great Councils" of the Norman princes, it is still under their old designation of "Witenagemot." It is true that this was no longer the language of the law. The Thanes of the Witan had made way for the Barons of the Council, and the Anglo-Saxon tongue had ceased to be spoken in that High Court of Justice. But the Baron was still the Thane! The Parliament was still the Witan! The Anglo-Norman was English!

Perhaps the greatest change effected, in the administration of public affairs, was the partial separation of the ecclesiastical and temporal jurisdictions, by the removal of the Bishop, from the Shire Court, to a distinct tribunal

of his own. But, important as the consequences of this measure afterwards became, they were neither intended by the Conqueror, nor did they immediately appear. Contemporary writers scarcely allude to the alteration. To them it must have appeared as little more than the recognition of a principle, already known to the law, which guarded the independence of the Church. We have seen that, although in the Anglo-Saxon Courts, the Earl presided with the Bishop, still the office of declaring the law was confined to the one or to the other, according to the complexion of the case. If it were an ecclesiastical matter that demanded examination, only the Bishop sat as Judge, and the Earl was but his Coadjutor; for the infliction probably of temporal punishments. If the case were of a purely municipal character, then the Earl was the Judge, and the Bishop the Coadjutor, by whom the Anathema of the Church was called in aid of the temporal sentence.* Thus, even when the Bishop and the Earl (or his Sheriff) sat together in County Court, there was a real division of jurisdiction in the practice. The ordinance of the Conqueror made no change in that respect.

But, in its ultimate consequences, the importance of the change was as great as these were unforeseen. It created a new court of sovereign jurisdiction. It alienated gradually Church from State, and State from Church.

If, in the Anglo-Saxon times, the reverence which each entertained for the rights and liberties of the other, presented a divided administration, far from destroying, this rivetted their harmony. But their formal separation,—as it seemed to be the indication of incipient distrust, so it fostered that ill feeling. The contest of Investitures grew out of it.

The ordinance in question is to be found in the cele-

* 1 Reeves' Hist. of E. Law, pp. 7, 47.

brated charter of William the First, touching the Bishopric of Lincoln.* It is in these words:—

“ No bishop or archdeacon shall henceforward hold
 “ plea of Bishops’-Law in the Hundred Court; neither
 “ submit unto the judgment of laymen *any cause* which
 “ toucheth the cure of souls. Whosoever is proceeded
 “ against, for *any matter or offence*, under Bishops’-Law,
 “ let him repair unto such place as the Bishop shall ap-
 “ point, and there make answer unto the charge, and do
 “ right towards God and the Bishop, *not after the law*
 “ *used in the Hundred, but after Canons and Bishops’-*
 “ *Law*. If, after three notifications, he shall refuse to
 “ obey the process of that Court, and submit himself, let
 “ him be excommunicated; and let the King’s aid, or the
 “ Sheriff’s,† be called in. Moreover, the King strictly
 “ charged and commanded, that no *Sheriff, Reeve* or
 “ *Officer* of his, *nor other laymen* soever, should meddle
 “ *in any matter of judicature* belonging to the Bishop.”

When the Church and State had thus ceased to act in concert, it is not wonderful that they began to be brought into collision.

Differences which before were almost unheeded, now became the subject of grave jealousies. Each jurisdiction had its own privilege to maintain,—its own dignity to vindicate; nor was it always easy to determine the *forum* of the litigant. In many cases indeed the line of separation was broad enough. But some were of a mixed character; and, in these, it was difficult to adjudicate without appearing to encroach upon the rival jurisdiction. Hence are to be dated the famous controversies between Saint Anselm and William Rufus, between Henry the

* Wilk. Leg. Angl. Sax. pp. 2-923.

† According as the case was within the resort of the Curia Regis, or the Sheriffs’ Tourn.

Second and S. Thomas of Canterbury, and which the memorable death of the latter, though followed by the submission of the prince, did not altogether extinguish.

The immediate question at issue was that of Investiture. The King claimed, from prelates, the same unconditional homage as that which barons rendered. But the prelates were not bound to admit the claim. It was true that their temporalities were held of the Crown, but only as appendant to their spiritualities;—and these, according to the law of England, were held, not of the Crown, but of the Pope. Were the prelates to render unconditional homage to the King, they would violate the law, to which the King himself was subject; for the law it was that made him King.* They would forfeit their independence, and even the personal character of their order. The distinction of powers was no longer in question. It became a struggle, upon whose issue depended, not the maintenance of both as two co-ordinate authorities, but the predominance of one, and that the least intelligent. To the Church, victory was at least the certainty of freedom, and the chance of sovereignty—whilst defeat was annihilation. Had she succumbed in the contest, she must inevitably have ended by becoming, that which the Greek Church had already submitted to become, the merest engine of temporal administration. To her, therefore, the struggle was one of life and death.†

But here was resistance, and the Church was saved. The obnoxious clauses in the Constitutions of Clarendon were revoked by the Monarch, with the assent of the Curia, and peace was restored to the Commonwealth by maintaining its laws. The Prince thus abating his preten-

* Bracton, *lib. I. c. 8.*

† Eichorn's *Deutsche Staats-und-Rechtsgeschichte*, part II. ss. 276-9.

tions to a direct ascendancy over the Church, the Church was enabled to relinquish the parallel claim, which, in her turn, and for her own protection, she had set up. When the temporal investiture was no longer demanded, as an essential preliminary to the canonical election of the prelate, the latter was without a motive for declining to receive it. Homage could no longer be refused, in respect of the temporalities of the See, when the independence of the spiritualities was definitively acknowledged and established.

From this period, we find the Church of England actively and extensively occupied, as in the Saxon time, with the concerns of States, and the maintenance of right and justice, both at home and abroad. It is a gross misconception of the part, which religion takes in the affairs of every community, to associate it with systems or forms of Government, much more, as oracles of the day are prone to do, with those of caste and party. "The Church," says an illustrious writer, "never designed to make herself Imperialist, nor Barbarian, nor Feudalist, nor Royalist, nor Liberal; for she is more than all: she is Catholic!"* Hence, the same prelates who, in obedience to the King's writ, put in force the tremendous discipline of their Churches, against seditious and slanderous disturbers of the people,†—twice in every year, read aloud from their own Cathedral Churches, to the people of England, the royal charters, by which the King had covenanted to do them justice, and launched the same anathema against those who violated them.‡ They offered prayers and sacrifice for the good success of the warlike expeditions of their liege lord, as their duty called them. But the writs

* Deux Chancéliers d'Angleterre, par A. F. Ozanam, p. 213.

† II. Parl. Writs, Div. II. p. 160 (42.)

‡ 25 E. I. ch. 3, 4. (Conf. Cart.)

which solicited these sanctions of religion on behalf of the measures of the State, was careful to shew that the sanctions might be given with safety. There the justice of the cause was not only recited; it was shewn.*

Still, the consequences of the unhappy question of Investitures were ever felt, both by churchman and lay. It is always easy to produce jealousies, and always hard to allay them. In the continual debates upon provisors, premunire, and other subjects in after days, we may clearly trace the footsteps of a hostility, old as the Norman time!

The withdrawal of prelates from the tribunals of temporal jurisdiction, had one other effect of an inferior importance for the time. Next to the tribunal in which the Sovereign himself, or his Justiciary (or Regent,) presided, the Shire-Court held the chief place; but, when the Bishop of the Diocese ceased to preside, the greater part of its importance seemed to vanish. The popular confidence was not so readily awarded to the Court, when under the sole direction of the Earl, (perchance one of foreign race,) as when tempered by the co-ordinate authority of the Bishop. Nor was this all. The vigour which the Conqueror had displayed in his personal administration, naturally produced a great development of the Royal Witan or Curia, both in popularity and importance. The local courts began to be abandoned. The powerful and wealthy, whether suitors or judges, thronged to Winchester, to Westminster, to York, or to Gloucester, according as the seasons varied for summoning the Curia Regis. From that period, perhaps,—yet still darkly and faintly,—is to be traced the course of that centralising movement, which now has well nigh ended, by draining from each member its proper life and action, and gorging and loading the head.

The removal of the Bishop from the County Court, was

* I. Parl. Writs, p. 261 (4.)

soon followed by the disappearance of the Earl, and the permanent substitution of the Sheriff.

This decline in the splendour of the tribunal, was coincident with that of its usefulness. The learning of the local judges no longer kept pace with the wants of the epoch. Suitors, who could not afford to "fine" for the royal licence, were compelled, as of yore, to resort to the County Court, for the liquidation of their controversies. The wealthier repaired to the sovereign. By these means, the influence of the Witenagemot alone increased, while that of every other Gemot began to languish.

By Henry the First, an ineffectual endeavour was made to arrest the progress of the disorder. To restore, as far as possible, the antient dignity of the Shire Moot, that Prince, by assent of the Curia, ordained that not only the common freeholders, but the bishops, barons, and great men,—clergy and lay—should repair, each to his own County Court, there to hear the charge of the Sheriff (or Viscount,) and to take the Hyld Oath to the King. But it is doubtful whether this ordinance was ever put in actual execution. Whatever may have been the causes of failure, there is no doubt that, within a very few years, it had utterly failed of its effect. The Justices in Eyre, (or Errantes,) were specially commissioned by King Henry the Second, to supply, as far as possible, the deficiency. They had been already tried, and found to be admirably fitted for any emergency. It was to such a Commission that William the Conqueror had entrusted the great surveys of the realm, and the making of Domesday Book. They reappeared at various intervals under the immediate successors of the Conqueror. But it was not until the reign of Henry FitzEmpress that they became permanently established, as the ordinary "Missi" of the Sovereign, for the government and judicial administration of the provinces. Certainly, this was a great innovation in

the form and order of procedure ; but it was far from being the result of a hostility or jealousy, on the part of the Plantagenet prince, towards the laws and customs of his English subjects. Henry had no such feelings ; nor are such attributed to him, even by the most polemical writers : in his reign, at all events, the fusion of Anglo-Norman and Anglo-Saxon was already accomplished.* Nor, in the selection of his Justices, did he give any preference to race. Shortly after the second division of England into circuits, we find, among the Justices Itinerant who went the Home circuit, the now famous name of Abbot Sampson, of St. Edmondsbury. Both by descent and birth, this extraordinary man was unquestionably English, and so little Norman in his predilections, that, according to his biographer, he was wont to put the more trust in the yeoman, who added to a good character for husbandry, that of not knowing French.†

Nor were the functions of the Justices new or strange. They were appointed to execute old laws—not to ordain new. Their instrumentality was demanded for the discharge of duties, in the Shire Moots, which, under the Saxon kings, had been discharged by the Earls, and which those Courts, under the direction of Sheriffs, were now no longer in a condition to accomplish.‡

In the discharge of those duties, the Justices Itinerant were still assisted by the antient representatives of the “Communities,” through which they were to pass. The Jurors of each Hundred, and the Four men and Reeve of each Township, came before them in the Court where they sat administering justice for the Shire, and there received

* *Dialogus de Scaccario*, p. 26.

† *Chron. Jocelini de Brakelonda*, pp. 24—5.

‡ MS. *History of the Common Law*, tem. Car. I. *penésnos*. p. 76. I. Reeve's *Hist. of English Law*, pp. 47, 52. I. Rot. Claus. *Introd.* xxiii—iv.

from them the charge of the sovereign, and, in return, presented, or made known to the Justices, the wants and wishes, and grievances of their several jurisdictions.* It was by means of assemblies so constituted, that the Tallages upon the King's Demesnes were assessed and levied; and upon occasion, Inquests or Surveys taken throughout the realm. In such an assembly the Justices of Henry Fitz-Empress exacted the pledges, which all Sheriffs and their deputies gave, to appear before the King, at a day certain, and there to do right, and make amends, to those whom they had injured by extortions or otherwise. And an Oath was administered to all Barons, Knights, Freemen, Citizens, and Burgesses, that, concerning all that should be required of them on the King's behalf, they would speak the truth; and neither for love, nor for hatred, for favour, nor for affection, for gift, nor for reward, conceal the same. And so they were to present all manner of wrongful exactions, levied upon their Hundreds or Townships, and the respective amounts of the same; all manner of unjust and causeless indictments of the innocent, and protections of the guilty; all manner of unlawful or undue levies of rent; all manner of extortions committed by prelates; and all manner of omissions, or refusals, of homage to the King; by whomsoever perpetrated.†

As the authority of the Justices was but an emanation from the Curia Regis, so they were always responsible to that Court for their manner of exercising it.

The Curia Regis, Great Council, or Parliament, was, as we have seen, identical in all but name with the antient Witenagemot. Both were held at the same seasons of the year, and in the same localities. To both, the same classes of counsellors resorted; in both, the Sovereign himself

* Rise and Progress, &c., vol. i. p. 297.

† Ibid. vol. i. pp. 293, 4.

was president. It is true, that from the period of the Conquest, the Four men and Reeve, those legitimate representatives of the Township, do not appear so frequently in the King's High Court. But the increasing importance of that Court made longer deliberations necessary, and the inconvenience which these occasioned to the humble Resiants of so many, and such distant, vicinages, was probably the only reason why their presence there was no longer demanded ;*—the more so, since as we have already seen, it was never essentially requisite in order to constitute the Court. If they came, it was always to listen to what was said, and to witness what was done and to present, to the Court, what wrongs or scandals their vicinages had to complain of.

Fewer of the Thanes of Hundreds, in like manner, are to be found in the Assemblies after the Conquest. But they were always represented there. Deputations were more easily congregated than the whole body ; and, so far as they were empowered by their constituents, these, by their suffrages, were competent to bind the rest. The Twelve Jurors, from every Shire, like the Echevins of the Frankish Empire, represented, in the "Placitum" where their Sovereign sat, surrounded by his Nobles, not only the collective Shire, but also every Hundred and Township which helped to compose it. Still, their delegation was limited to the objects for which it was given. They had no powers to act upon behalf of their "Community," save such as that "Community" had specially conferred ; and their authority expired with the purpose.

The Conqueror, in 1070, held at Gloucester a great assembly of Saxon and Norman lords, and other wise and eminent personages, in order, we are told, that he might become better acquainted with the laws of England. In

* Rise and Progress, &c., vol. i. pp. 297—8.

this assembly he proposed the general substitution of the East Anglian, and Northumbrian, or Danish usages, for those of the Anglo-Saxons, throughout the kingdom. But the assembly, with one voice, demanded the laws and customs which had obtained in the good days of Saint Edward, and obtested the Conqueror by the soul of that holy Prince, that he would deny them not. To this demand, William, after some hesitation, assented. "Twelve" men from every Shire were therefore summoned, "who" "were *sworn* that they would well and truly declare the" "law, without addition, prevarication, or concealment." This special duty was performed. A Code, or Capitulary, resulting from their presentments and declarations, was prepared and read to them, which, thus approved, received that solemn sanction of the Sovereign in Council, whereby it obtained the force of law, or, more properly speaking, was henceforward to retain it. That Code still exists, both in Romance and Latin, and, in either text, bearing the coeval title of "Laws, which King William granted" "to the people of England, after the Conquest; being the" "same which King Edward, his cousin, held before him."* In the judgment of Lord Hale, the assembly of Gloucester, at which these Laws were so adopted, was as "sufficient and" "effectual a Parliament as ever was held in England."†

The municipal constitution of England, at this epoch, very much facilitated such delegations of a public trust. The machinery that served for local administration, was equally well adapted for the concentration of powers, by means of a central assembly of elected representatives. The Four Men, and the Reeve, being themselves elected in the Courts Leet, or Courts Baron, of their Townships, were competent to receive, and to execute, whatever commission

* Rise and Progress &c., vol. i. pp. 54, 114, 124.

† I. History of the Common Law, p. 202.

their fellows might think fit to give. The Twelve Sworn Thanes, or "Jurors," whom the Hundred or Burgh sent to represent it at the Shire Court, might be authorised to concur with those from other Burghs or Hundreds, in delegating to Twelve, or to Twenty-four of the whole body assembled, the duty of representing, and the power of binding, their respective communities in Parliament. That delegation might be granted by some, and it might be withheld by others;—and it might be more or less ample according to the instructions sent. But, beyond those instructions, the Duodenary Committee of Delegates had no power to act; and, where they proved insufficient, a new recourse was to be had to the Shire Court, and thence, again, to every Hundred Court, and to every Court Baron, or Leet. The authority of those Constituent Assemblies, was not suspended by the delegation, nor in any degree affected by it, further than in terms particularly expressed. Above all, the practical accomplishment of the trust, confided to the Delegate, was always reserved to the Constituents. If the former assented to the levy of array, or the grant of a subsidy, or aid, he could not deprive the latter of the privilege of "electing" the men, or of assessing and raising the tax.

When an invasion, or other extraordinary emergency, made it expedient to accord unto the King leave to issue the Commission of Array, those to whom it was directed, having, in the presence of the Archbishops and Bishops of their respective dioceses, bound themselves by oath duly to execute the same,* resorted to the Sheriff of the County or place where they happened to be, and caused him to summon "Twelve Jurors," in and of every Township or Village, not being a City, Borough, or Crown demesne, within his jurisdiction, and whereof the

* II. Parl. Writs, Div. II. pp. 665, 668.

Array was to be taken. The election of the Township was then made, upon their presentment, before the Sheriff and the Commissioners of Array. Every male, between the ages of sixteen and sixty, if able-bodied, was liable to be the one man "elected," and presented upon Oath, to serve for the rest. If he neglected or refused to serve, his name was returned as that of a defaulter, or deserter, to the Council;* and he was liable to the customary punishments of such; viz. imprisonment, until fine made to an amount double that of the pay actually received by him;† or imprisonment, fine, attachment, and forfeiture of lands, goods, and chattels, and other punishments at the Council's discretion;‡ and even to death itself.§

The same is to be said of the methods of assessment and levy, where a money-supply was the subject of the Parliamentary grant. The quota of every Shire was indeed assessed by the Exchequer. But that of the Hundred was to be assessed by the "Four Knights," chosen, and sworn, by the "Jurors" of the Shire Court. The quota of the Township, or Vill, was to be assessed by its "Four Lawful Men," or by more, as need required, or as the Four Sworn Knights thought fit, and these upon their Oaths, and the presentment of the Court Leet, were to make the inquisition, and seal and indent it, and so to return it to the Four Sworn Knights. These did thereupon cause the tax to be levied, upon chattels, and estates, and monies, and other matters of direct taxation,—(for indirect taxes were the barbarous productions of a later age,)—and,

* II. Parl. Writs, Div. II. p. 464, (43), Id. p. 436, (3.)

† I. Parl. Writs, pp. 329, (12), 339-40, (22), 344, (38).

‡ Id. pp. 378, (24), 379, (2), II. Parl. Writs, pp. 479, (19), 507, (11), 527, (79.)

§ Id. pp. 526, (76), 553, (68), 555, (80).

again, it was through the Court Leet that they levied it;—for the residents knew best the circumstances of their own vicinage, and whom to burthen, and whom to spare. Afterwards these returned to the Barons of Exchequer, the net amounts so levied under their inquisition.*

In the Writs of Levy, an exemption was always made in favour of persons not being of a certain substance. But there were more important exemptions, which were always implied, even when not expressed. If the grant had been made upon conditions, the levy could not be proceeded with, until these were fulfilled. If the conditions, or the violation of such, were but partial or local in their character, so was the respite;—and the levy, while it went on elsewhere, was suspended as to the locality, in respect of which the conditions had not been performed.† If any of the Knights or Burgesses delegated, had not received, from their “Communities,” power to concur in the grant, their vote bound themselves indeed, but not their “Communities.” Hence, when the King summoned his lieges to Parliament, it was no unfrequent precaution to set forth in the Writ of Summons itself the importance of the Knights, Citizens, and Burgesses, being furnished, by their respective communities, with ample powers to bind them by their votes, “that the business might not fail for want of such authority.”

If the whole Shire, or Borough, Court, had not concurred in the election of its Knight, or Burgess, or if there had been a similar want of unanimity touching the grant of the aid demanded, the dissentients were not lawfully bound, by the suffrage of the delegate, to render any

* I. Parl. Writs, pp. 105, (46), 178-9 (48), 409, (63); II. Parl. Writs, Div. II. pp. 15-16, (36).

† Rot. Parl. Edw. II. app. 449, I. Parl. Writs, pp. 104-5, (48,) II. Parl. Writs. Div. II. p. 41, (18.)

contribution.* The "Community" was never bound, where the "Jurors" were not unanimous, whether their "Verdict" related to judicial proceedings,—(and, to the validity of such, even at this day, the unanimity of the Twelve Men is valued as essential),—or to the administration of any other branch of public affairs.

Thus, the City of London successfully refused to render the Fifth, granted to Edward the First by the Council, in the 25th year of his reign, and ordained by the King's Writs to be levied. Thus again, although the grant of the Fifth was, by the subsequent compromise of another Council, commuted for a Ninth, the same City of London, not being present at the compromise, was not bound by it; until, subsequently, a special grant was obtained from the Mayor and Commonalty, and annexed by way of Schedule to the Charter.† On another occasion, the same King forebore, for twelve years, from levying an extraordinary aid, granted under an authority, that was not clearly ascertained to be legally binding upon the community.‡ In the reign of his son, we find it recorded, how that a certain Shire Court refused to render obedience to the King's Writ for the levy of a tax, on the ground that by reason of tenure, (their lands being gavel-kind), their constituents were not bound to contribute.§ Even the final sanction, by Edward the First, of the Statute of Quia Emptores,—although no matter of supply,—waited till the concurrence of all the Knights of Shires, that had been summoned, could be obtained.||

* First Report of the House of Lords, on the Dignity of a Peer, pp. 66-5, 84, 93-4, 100-3, 134, 209-10, 226-7, 251, 286-7, 459, 471, 473-7.

† Rot. Parl. Edw. I. app. p. 240.

‡ Lords' First Rep. p. 203.

§ II. Parl. Writs, Div. II. p. 91, (50.)

|| Lords' First Report, p. 201.

It was not until long after it had become the settled practice, to summon to Parliament the Delegates of the "Communities," (or "Commons," as they began to be called), that this independence, this distinct character, of each separate community, was lost. The "Knights, Citizens, and Burgesses," might vote the supply, the "Greater Barons" might assent to the levy, the "King" by Writ command it. But the franchises of the "Township," and the "Hundred," and the "Shire," subsisted; and their mandatories had no power to depart with these, even "hâc vice," in favour of the monarch. The "Lords and Commons" of Parliament could bind themselves indeed, but not their "Communities," further than was expressed by the interposition of that saving clause in every Grant, "*quantum in ipsis est.*"*

But when the concentration of all these violated powers became the object of a constant and undivided attention, on the part of sovereign and subject, then the independence of each began rapidly to decline, the balance of the Constitution to be displaced, the King in Parliament to obtain an undue and increasing influence. When Edward III. ascended the throne, new ideas of dignity and rank had already come to attach themselves to the place of Parliament man. The posts of knight, citizen, and burgess, once shunned as burthensome, alike to electors and elected, began to be valued, at least by the latter, for the direct occasions which they offered of political aggrandisement. In the twelfth year of Edward the Second, an instance is recorded, where, after a long and industrious opposition to the Parliamentary Writ, a dignitary succeeded in making out his claim to exemption from sitting in Parliament.† Yet, in the same year, an instance, per-

* 1st Report, &c. pp. 200-1.

† II. Parl. Writs, Div. II. p. 199 (47.)

haps the earliest instance, of a contested election, and a petition by the unsuccessful candidate, praying to be declared the sitting member, on the ground of illegality and fraud, is also recorded.* Five years afterwards, we meet with the presentment by the "Jurors" of West Derby Hundred, of a certain Sheriff of Lancashire, for having elected the two Knights for that Shire, without the assent of the Communitas or Shire Court; although that court might have easily gotten two substantial men of its own election, and at a much less cost.† Still, it was not until the reign of Edward the Third, that Parliamentary doctrines made much progress among the people. Contemporaneous, and commensurate with their progress ever since has been the decline of every description of local administration. One by one, the barriers to the spread of centralisation have been practically abandoned; and, although they retain their legal existence and therefore their value, we affect to consider them as obsolete.

The further we advance, we shall find a more general convergence towards one centre. Institutions, which had withstood the King and his Barons, now yielded to the Third Estate. They were useless clogs upon the energy or ambition of their delegates. The battle of the Constitution was thenceforward to be fought within the walls of Parliament; just as, at a still later stage in the march of improvement, the battle field has again been changed to Registration Courts. The Lower House was to become the champion of the people. The Churl acted unwisely, and even ungenerously, who, to preserve his own paltry local liberties, cramped and embarrassed the endeavours which so many knights, citizens, and burgesses, were making, to establish more firmly the liberties of all England, by

* Id. (Appendix), p. 138 (41). The seat was for the County of Devon, and the petitioner was "Matthew de Crauthorne."

† II. Id. p. 315 (89), 17 Ed. II.

establishing the entire ascendancy of Parliament in England, and of their own Estate in Parliament. The endeavour succeeded. The local liberties, though not annulled, have been suffered to become obsolete and forgotten. The sacrifice has been made. How has it profited the Churl who made it? While local administration remained to him, pauperism was unknown. Each Hundred maintained its poor, and was adequate to that great duty. Notwithstanding that in many districts the soil was thinly peopled, and as yet vagrancy was not forbidden as a crime, still the instances of death from want were so rare, that, when they happened, they produced in the minds of all, not their barren and useless pity for the fate of the unknown wanderer, but a deep sense of criminal and inhuman neglect on the part of that Hundred, where, from the finding of the corpse, the death might be supposed to have happened. Such an event was always a matter of judicial inquiry; and, if the death appeared to the Jurors to have been really the effect of want, they made their presentment, as in cases of murder, and the Hundred was mulcted in the murder fine.* These were their only Poor Laws! How far the happiness and prosperity of the Churl have been since promoted, by that transfer of powers, which relieves him of his proper burthen of solicitude for the welfare of the State, let the Poor Law Amendment Act, Corn Laws, Chartism, Rebecca Riots, Irish Repeal, and the whole aspect of this Empire, in 1843, make answer.

In another country, but in our own time, we have witnessed the similar sacrifice of time-honoured franchises, in the interest of concentrated power. What Greece, (even Modern Greece) was, while she continued to preserve the sacred institutions derived from the same sources with

* I. Curia Regis, Introd. xxxiv.-v. and pp. 159, 162-3, 202-3, 210.

those of their Amphictyons—(and these even to their Duodenary numbers they faithfully preserved,)—we may gather from our melancholy knowledge of what her fate has been since she has lost them! The change has been sudden indeed. Until 1828 these institutions were still in existence.

Those of Chalcidice, as described by a great modern writer, are so identical in form and substance, with those of Greece Proper, that we cannot do better than quote from his clear and succinct narrative.*

“ The conditions [upon which the franchise was holden] appear to be settled thus:—the district to pay a certain weight of silver, which, at a later period, amounted to 550 pounds, and *twelve principal boroughs* to form an administration of their own, having subordinate to them 360 *villages*.

“ Their treaty with the Porte bound them to obedience to the Madem Emins (the only Turkish authority, and indeed the only Turk, that could reside in their district), in matters of civil and correctional police; but stipulated *entire emancipation from all interference with their internal administration*. The payment of the stipulated quantity of metal discharged them from *all other government imposts*, and from *spahilic (contribution to the military chiefs)*—and, for their *caratch (or poll-tax)*, the community compounded with the collector of the Pacha. But the district and the Turkish Governor were rendered independent both of the Pacha, and the Mekkiameh (Judicatory), of Salonique.

“ As for their internal administration, that of *each village* was, of course, the municipal system prevailing throughout the country. *The general representative system* adopted in the mining districts, was, perhaps, an imitation of the monastic administration of Mount Athos.—*A central committee was formed of the deputies*

* “ Turkey and its Resources,” by David Urquhart, pp. 63-6.

*“from the twelve boroughs. Each subject of discussion was debated by the different municipalities, separately. If the whole committee did not agree, the members returned again to the municipal bodies to reargue the question, as it was necessary for them to be unanimous upon every measure. To secure this unanimity, no decision was considered valid, without the seal of the Committee;—and that seal was formed of twelve copartments, one of which was entrusted to each municipality. These portions had to be united before the seal could be used. The unanimity required in the decisions of the Committee is conclusive as to the purity of election, without which such unanimity could never have existed, as to have allowed the seal to be used at all.**

“Each of the twelve boroughs had a certain number of these villages attached to it, and these corporations were represented in the boroughs on which they depended.”

The period of Grecian history, to which the next passage relates, occupied but four years, from 1822 to 1825, both inclusive. The analogy, between the rise of the Commons' House of Parliament and that of the National Assemblies of Epidaurus, Astros, and Argos, was too remarkable not to be cited. We quote from the first number of the valuable series of papers in the Old Portfolio, entitled “Narrative of Affairs of Greece.”†

“This intellectual people, nurtured under a municipal system, which gave them a practical education, had already, (in 1825), called together two National Assemblies. No difficulty had arisen with respect to laws of elective franchise. Under the Turkish system the whole political organisation of Greece rested on the union of

* *“Amongst the islands, it was customary to have the Common Seal formed of as many copartments as there were burghs in the Island.”*

† Vol. III. pp. 222—5.

“ families. Once a year, throughout the country, every
 “ village, town, and district had its representative assem-
 “ bly, in which the heads of families, meeting together in
 “ the Church, elected their annual magistrates, examined
 “ the acts and accounts of the past year, nominated their
 “ own Demogerontes, or Municipal Authorities for the
 “ ensuing year, and apportioned out the contributions re-
 “ quired by their Turkish Governors. Under this natural
 “ form of Government, the Greeks had attained, *by the*
 “ *simple force of circumstances, and by public opinion,*
 “ *customs, which superseded the necessity of laws. The*
 “ *National Assemblies, therefore, of Epidaurus, and of*
 “ *Astros, were the natural representation of the whole coun-*
 “ *try, and were only called together to concentrate the powers*
 “ *of the nation.* Accordingly, we find the Greeks, aided
 “ by their practical good sense, forming a Constitution,
 “ calculated to draw forth a blush on the cheek of nations
 “ that call themselves civilised, and denounce the subjects
 “ of the Ottoman Porte as Barbarians. Unlike the
 “ boisterous manner of conducting revolutions and reforms,
 “ in Europe, the Assemblies of the Greeks, *until European*
 “ *intrigue came to interfere with them,* were conducted with
 “ *calmness, steadiness, and unanimity.*”

In the year 1829, Capodistrias summoned the National Assembly of Argos. That the constitution of this Assembly was precisely the same with that of its predecessors, is plain from the following passages in Mr. Urquhart's work already cited.*

“ It was curious to observe, at the election of members
 “ of the Assembly at Argos, how deeply implanted in the
 “ minds of the Greeks *was the principle, of the members*
 “ *being mandatories of their constituents.* The vote of the
 “ members was looked on as *the vote of the district.* It is

* Turkey and its Resources, pp. 64—5, *in notis.*

“ true, Capodistrias sought to convert this feeling into a
 “ tool for party purposes ; but it never originated in his
 “ suggestions. The fears of the people were aroused by
 “ the most insidious means.—Their virtues and their vices
 “ were alike worked on. They were led to suspect
 “ treachery from their members, and a coalition of the
 “ Primates and Capetani against the Central Government.
 “ So that they drew up, in some places, *the conditions*,
 “ *according to which they empowered the members to vote*,
 “ and exacted *the most solemn promises*,* for the observance
 “ of these conditions ;—in other places, *declared they would*
 “ *ratify no decisions* in opposition to their instructions ;—
 “ and, in some cases, even *threatened to burn the houses of*
 “ *their deputies, and hang them themselves*, if they betrayed
 “ their trust ! Does not this forcibly recall the deputies,
 “ carrying their instructions to *the Amphictyonic Assembly*,
 “ making their report on their return, depositing copies
 “ of the Acts ; accounting for their votes ;—and requiring,
 “ to make these valid, ratifications of the *γερονται*, and
 “ the *εκκλησια* of the constituent City ?”

But although the principle of delegation was as we have seen already established, under the Conqueror and his successors, it was not employed for the regular and permanent concentration of powers, until the reign of Edward the First ; and it did not efface the local jurisdictions, until a much later period. We meet with the local Witan, in the assembled representatives of a few Shires, sitting all apart from the Great Witan of the Realm, and, in the name of these their constituents, treating with the Monarch. We meet with the “ Communitas” of Yorkshire, in “ Shire Court” assembled, voting supplies of men and money, which the Parliament of Edward the Second had not voted, nor the Realm bound itself to give. We meet

* So did the Old English electors, and hence *their* Representatives were called Jurors !—*Ed. Port.*

with similar grants, by the Shire Courts of Northumberland, Lincoln, and other Shires, each acting for itself, and independent of all others, and, in every case, stipulating that such acts of loyalty and love should not be drawn into precedent to their disadvantage.*

It was even long before the "Thanes of the Hundred," or "Minor Barons" ceased to give their personal attendance in the Council of the State, when emergencies demanded it. The following instance is particularly deserving of notice. It shews that the "Four Men and Reeve" were not only still considered to be the true representatives of the Township, but also that they were liable to be summoned, by the Sheriff or Viscount of their Shire, to the Grand Inquest of the Realm in that capacity. In the Anglo-Saxon time, although their attendance there was constant, yet they were not summoned to attend it.

In 1213, (two years before the famous Assembly at Runnymede,) King John made submission to Archbishop Langton, and received his absolution at Winchester. In receiving that absolution, the King swore, upon the Holy Gospels, to love, defend, and maintain Holy Church, and her ministers, against all her enemies, to the utmost of his power, to restore the good laws of his predecessors, and specially King Edward's laws, and unjust ones to destroy, and to judge all his vassals by the just sentence of his court, (Curia) and to render unto every man his rights. Also he swore, on peril of his former excommunication, to make full restitution, by the following Easter, of all the extortions by which he had incurred the interdict. Therefore, on the morrow, the King sent his letters to all the Sheriffs of the realm of England, commanding that, of every Vill or Township of his demesnes, they

* II. Parl. Writs, Div. ii. pp. 16, (5.) 408—10, (40.) 414, 628—35, *et passim*.

should cause "the Four Lawful Men with the Reeve," to meet him, at St. Alban's, by the month of August, so that by them, and other his ministers, he might make inquisition and ascertain, touching the injuries, and extortions, suffered by each of the Bishops, and how much was owing to each. The Council met accordingly; the King's Justices, Geoffry FitzPiers and the Bishop of Winchester, presiding in the King's absence beyond seas. Thither came the Archbishop of Canterbury, and the Bishops, and the "Magnates," or Great Men, of the realm; and the "Four Lawful Men, and Reeve," came, in obedience to the King's Writ, from every Township. At that Council the King's peace was proclaimed unto all men. On the same King's behalf it was firmly commanded, that the laws of his grandsire, Henry, should be kept by all men throughout his realm, and all unjust laws utterly avoided. Moreover, it was signified unto all Sheriffs, Foresters, and other the King's Officers, that as they tendered life and limb, from no man were they to extort by force anything, neither presume to do wrong unto any man, neither to set up Ale-Shots, (Scotalla),* in any part of the Realm, as they were wont to do.†

In these proceedings there is little that offers any analogy to the ordinary occupations of modern Parliamentary members. Neither should this be wondered at. The Great Council of the Realm, in those days, was the Remedial Court of the whole realm. Its province was administration of the law, not law-making. The control of taxes and expenditure, the supreme direction over public

* These were ale-houses, which the King's Officers were wont to set up in his forests, and compel customers to resort thither, under threats of displeasure. In modern times, the Truck-system has revived this abuse, but in a much more general and oppressive form.

† Roger de Wendover, vol. iii. pp. 261-2.

affairs, civil and military, at home and abroad, and the dispensation of justice between man and man, between prince and subject, where the rigour of the Common Law denied relief, were the proper functions of an assembly, where the King or his Justiciary presided. Legislation was but a secondary concern : or rather it resulted from the judicial occupation, and was resorted to, only in cases where the existing law was silent, or ambiguous. Yet, even then, it more resembled that which we now call declaratory legislation, as distinguished from enactment. It professed to proceed from old and acknowledged principles, by a regular and logical deduction, to their equitable application to cases, which were otherwise not provided for. There is not one of the earlier statutes to which this observation is not strictly applicable. They were rather judgments than statutes, in the modern acceptation of the word. They bear a strong resemblance to the decrees of our Courts of Equity, with this difference, that the latter possess a less extensive jurisdiction, while the equitable jurisdiction of the Great Council pervaded every department. The Chancery was only one of its offices, whence remedial mandates issued, where evil ones were annulled, or cancelled, by authority of the King in Council, and by the hands of the "Clerk," or "Chancellor" of that department. His name betokened his office. According to John of Salisbury, writing in 1170,*—

"Hic est, qui leges regni *cancellat* iniquas,

"Et mandata pii principis *æqua* facit."

On him, in later times, devolved some portion of the judicial authority, possessed by the Sapientiores, or Concilium Regis, but only a portion. In civil suits, between man and man, the Chancellor's present jurisdiction is transcendent. But, while the Great Council of the Realm

* Polycraticon.

retained it in their hands, it was not to civil suits that that jurisdiction was confined. That symbol of equitable prerogative, the Great Seal of England, was, indeed, always in the keeping of the Chancellor, but he held it at the disposal of the Sovereign in Council, whose officer he was; and he used it only as they bade him, by their warrants duly and carefully attested.* The smallest matters were not too insignificant, to receive the sanction of the Great Seal, where they touched the welfare of the community. In the time of Henry the Second, the Wardrobe accounts, and, until long afterwards, those of the Civil List and Privy Purse, passed the Great Seal, by order of the Council. Gradually, indeed, the Chancellor became somewhat more than the officer of that body. In the reign of Richard the First, he began to be a depositary of the extraordinary executive powers of the Great Council, particularly in the diplomatic or external department; subject only to its ultimate control. Afterwards he became, in like manner, invested with so much of the judicial functions of that august body, as he now possesses; those, namely, which respected civil litigation, in certain cases, among subjects, and perhaps, also, but occasionally, such as related to franchises, where the Charters were disputed.† But it was not till the reign of Edward the Fourth, that he claimed to act as the immediate officer of the Crown, and “vice, nomine, et loco regis,” and no longer of the Parliament.‡ Even at this zenith of his power, it was but a branch, although an important one, that he had obtained, of the judicial and executive functions of that High Court. And, for centuries afterwards the people still continued to attach to the name of Parlia-

* I. Rot. Claus. Gen. Intr. pp. xvii. xix.

† II. Parl. Writs, Div. ii. pp. 279-81.

‡ I. Rot. Claus. Gen. Intr. pp. xxiii. xxv. xxvii. xxxi. xlv.

ment, however degraded by later associations, not only the ideas of equity and relief, which ought still to appertain to it in its political capacity, but those also which are now attached to the Court of Chancery alone. Long after the complete establishment of that Court, in its equitable jurisdiction, the familiar speech of the day preserved the remembrance of the wider, more remedial, and more powerful authority, whence it sprung. In defining their respective jurisdictions, the very Judges continued to employ language, which their predecessors had employed, and in those remoter days, with propriety.

Thus, so late as 1692, Lord Holt, in commenting on his inability, sitting at Common Law, to grant relief under a purely equitable title, observed,* “Wherefore it would be “convenient for the heir to *seek remedy in parliament*, “according to Moore, 784.” But the case in Moore was one where the “remedy” was given, upon application to the Court of Chancery in the exercise of its ordinary jurisdiction; and it does not appear that any application whatever had been made to Parliament. The inaccuracy is apparent, and only apparent. The Chief Justice of William the Third spoke as his predecessor, in the days of Edward the Second, would have spoken. The terms Parliament, and Equity, in his familiar language, were, as it were, convertible, and indifferently applicable, to denote that jurisdiction which was the great rival of the Common Law. Once indeed they had been synonymous, but it was in days when Parliament was still mindful of that highest and most solemn of its functions, the public dispensation of justice.† Those were the days in which it used to be written,—and then it was written well,†—“let what “things ought to be redressed in Parliament, be there re-

* The King and Queen v. Lady Portington, 12 Mod. 31.

† II. Parl. Writs, Div. ii. p. 172 (4.)

“dressed, and, what things do touch the Common Law,
“by the law of the realm, be elsewhere redressed !”*

* Out of the numerous instances of the equitable jurisdiction of first resort, once exercised by Parliament, and since devolved to its Chancery, we cannot refrain from noticing the following case, in the Statute and Close Rolls of this reign.

In the Parliament which met at Westminster, in the 17th year of Edward the Second, a great conference was held before the King himself, touching the claims of certain Lords to the lands of the dissolved Order of Templars, as their escheats. Thereupon, the Great Men of our Lord the King's Council, being summoned, as well Justices as others of the laity, the Justices affirmed that the King, and other Lords of the Fees held by the Templars, might, *by the laws of the Realm*, well and *lawfully* retain the tenements in dispute as their Escheats. But, *because they had been given for the defence of Christians, and other charitable purposes*, it pleased and seemed to the King, and the Magnates, and others there assembled, that the said tenements should be assigned to other Men of Religion, &c. Whereupon it was agreed, provided, and ordained, for law to continue for ever, that all the Lands, &c. which belonged to the Templars at the time of their dissolution, should be assigned and dedicated to the Order of the Hospital of St. John of Jerusalem. Whereupon the King, by the unanimous consent of the Earls, Barons, and Proceres aforesaid, of the plenitude of his royal Power, assigned the said lands, &c. and desired the same to be delivered to the Order of the said Hospital, to hold to them and their successors, of the King and other Lords of the Fees, and by the same services by which the Temple had held them.—(Close Rolls, tem. Edw. II. Authorised Coll. of Stat. of the Realm, printed by the Record Commissioners.)

The principle of this case continues to be recognised in Courts of Equity. A modern lawyer, in quoting it, would say, that there the Court held that, although the title of the chief lord was absolute at common law, Equity would interfere in favour of Charity, and that, it having become impossible, by reason of the present illegality of the

While this continued to be the true character of Parliament, that body was still the Great Council of the Realm. The new name it had chosen was indeed an omen of bad import, and perhaps of incipient corruption. But the change as yet did not spread beyond ; Parliament was still Council. It had not as yet made itself that mere thing which its name, of a new coinage, (less appropriate then than now) denoted ;—an eloquent, but by no means deliberative assembly !

The conviction of the absolute supremacy of justice, not only over tribunals where controversies were liquidated, but over all the concerns of life, public or private, were at that time deeply seated in the bosoms of Englishmen. The judicial occupation was familiar to all. Law was then a habit, a “ Custom,” and men could no more divest themselves of it, when they entered upon the consideration of public affairs, than when they sat in judgment. Later times have remarked a notable distinction that is said to prevail between the laws of the State, and the duties of Statesmen. Perhaps it is reserved, for the times which are to follow, to discover a similar distinction between the laws of the land and the duties of Judges. Westminster Hall is indeed still the seat of Public Justice. But so formerly was Parliament. The desecration to which we allude is not more improbable than that which we have witnessed. The alarming growth of modern degeneracy might even occasion the doubt whether the improbability be not, in fact, much less.

Those judicial habits of thought admirably fitted the Great Council to discharge, in the presence of their Sovereign, the duties which belonged to it. The imposition of Tallage, the Commission of Array, the grant of Scutage,

objects, to carry out the original trusts, the Court would direct a *cypres* application !

the concession of the Aid or the Subsidy, were all and each solemn and deliberate functions, which it depended, not upon the caprice of the Parliament or Monarch, but upon their common appreciation of the emergency, and their common interpretation of the law, to perform. It was not sufficient that the "Common Assent" was given, to the new "Aid, Mise, or Prise," demanded by the Monarch. Unless it were for the "Common Profit of the realm," that Assent did not make it lawful.* Even where legal as to purpose, it did not follow that it would be legal as to assessment. There were so many grounds of exemption. Some of them have been enumerated already. But there were others founded upon tenure; others claimed under Charter; others acquired by prescription.

The Church had her franchises, which the King's Writs could not enter. The votes of the Commons in Parliament affected not the Clergy; nor could their Bishops and Abbots, who sat among the Magnates, bind them by their own assent to the aid or subsidy demanded. Unless the Pope himself commanded the Grant, they had no power to render it, except in Convocation or in Parliament.† Nor were they to be convoked by the King's Writ. Whether they joined the laity, or whether their "Estate" met apart from the other two, their presence in Parliament was yielded to the Summons of their Primates, while the Writ of the King was followed only by the Protest of Exemption.‡ Nor did the Archbishops of England venture to summon the clergy of their provinces according to the King's Writ, until after consultation had with their respective Suffragans.§ Even then their concurrence was by no means a matter of course. One remarkable instance is recorded of an unanimous refusal. Edward the Second had demanded from the Convocation,

* 25 Ed. I. c. 6, *Confirmatio Cartarum*.

† II. Parl. Writs, Div. ii. pp. 100 (25) 1, 140-2, (5-14.) *App*.

‡ Id. pp. 123-4, (79, 80) 139, (44), 282, (71). § Id. p. 236-7.

which met at Lincoln in the 16th year of his reign,* their "counsel and aid" for the better prosecution of his wars in Scotland.† Both points were considered, and formed at length the subject of a bold and argumentative "Deliverance," in which they requested the Primate's leave to return to their homes, having made up their minds not to grant that Aid, because it was excessive, nor any Aid but that approved by His Holiness, John XXII. "But, as touching the Counsel, 'it seemeth to the Religious and Clergy of the whole Province of Canterbury now present, to be a sound Counsel, that our Lord the King, the Great Men, and all Prelates, do study in the first place to commend themselves devoutly unto God and the prayers of the Church, and do refrain from unjust exactions and oppressions, done upon the Church, and Church Men, and upon the People, and do soften their subjects' hearts!' Then the King, being exceeding wroth, demanded the names of them who had agreed to such a "Deliverance." But the Prelates and Clergy stood to it stoutly, and said it was their unanimous "Deliverance;" being chiefly encouraged thereunto by a political Writing, or Libel, which one of them had found on the floor of the Chapter House while they were sitting, wherein the vices of the time, and the great illegality of the method of conducting the war, and their own especial duties towards the State, as Churchmen, were forcibly and pungently depicted. Wherefore the King's Envoys, seeing that nothing more was to be gotten, were fain to content themselves with what the Pope had granted; and so the Convocation was dissolved.†

Many Barons, and others of the laity, had, like the Church, their own jurisdictions and franchises, which were not to be entered by the King's Writ without the consent of the oc-

* II. Parl. Writs, Div. ii. p. 283, (74).

† Ib. pp. 283-4 (75-7.)

cupant. Of such a character was that which is recorded to have been held by the powerful family of Braose,* and which had "its own Great Seal, and its own Chancellor," and into which "nor King, nor Justice, nor Sheriff could enter." Whatever the emergency, the Extraordinary Writs of Array could not be obeyed by the Bailiff of any Upland Town, until he had obtained his Lord's assent to the proceedings of Parliament or Shire Court.† The Lordships of Ireland,‡ the Counties Palatine of Durham and Chester, the Marches of Wales and the Cinque Ports,§ were also exempt jurisdictions, and, when they concurred, their grants were accompanied with the proviso, that the compliance should not prejudice them, nor be drawn into precedent.|| However imperative the language in which the mandate was drawn up, we find it often accompanied with a private instruction, to the officer charged with its execution, to take care, before he executed it, that it would be obeyed.¶ But the exemption was not contingent upon the mere power of resistance. The "Men of the Mint" were not iron-clad barons; yet they had their own Jurisdiction; and their Sovereign did not disdain to invite their Contribution, by the promise, that the Collection should be left to their "Keepers."** The "Terræ Regis,"—or "Lands "in Antient Demesne,"—as they were not represented, so they were not bound by Parliaments. They were in no way subjected to the jurisdiction of the "Curia Regis," nor of any other Court out of their respective Manors.†† The King alone could tallage the King's tenants,—and the Tallage so imposed must have been of a reasonable and customary

* 1 Cur. Reg. p. 429. † II. Parl. Writs, Div. ii. p. 581 (200).

‡ I. Parl. Writs, p. 1, (3). § Lords' 1st Report. pp. 218-19. Feod. N. E. t. i. p. 558. || Parl. Writs, Div. ii. pp. 628-35.

¶ I. Parl. Writs, p. 280 (2, 3) 25 Edw. I., II. Parl. Writs, Div. ii. p. 393, (66) 3 Ed. II. ** Id. p. 236, (13).

† Fitz. N. Br. 14, c. 14 E.

amount. It appears indeed that Parliament itself could not impose other or heavier taxes even upon those within its competence.*

No aid, nor subsidy, and, strictly speaking, no array, could be granted, except for extraordinary purposes. They were not wanted for the ordinary services of the State. The demesnes of the Crown, from the reign of William the Conqueror, down to that of Richard the First, and even to that of his worthless successor, were of great extent. They were also susceptible of constant augmentation, through forfeiture, escheat, and other incidents of tenure. Tolls, rents, fines, oblates, commutations of services, or works, were additional and immense sources of revenue to the King's Exchequer. The duties on exports and imports were also considerable; and these, in the case of foreign merchants at least, were capable of being extended by the Crown, in return for the privileges conferred by the new staple.† These were the ordinary and ample resources of Civil Administration, while, on the other hand, the system of military tenure, that "cheap defence of nations," provided an army, sufficient for the protection of the realm, as well from foreign invasion as from domestic turbulence. The Conservancy of the Peace, the View of Frankpledge, the Watch and Ward, and the other duties which are supposed to be understood by their modern name of Police, were in those days adequately discharged by the Resiants of the several Visnes, without cost to the Community, without anxiety to the Monarch. The Cinque Ports, in lieu of Tallage, Aid, and every other description of service, were bound, upon the summons of the King of England, or his heirs, to render, at their own cost, for fifteen

* Compare the foregoing authorities with the Lords' 1st Report, pp. 66-7.

† II. Parl. Writs, Div. ii. pp. 217-18 (9).

days, their full service of Ships. According to an Inspecimus tested in the 6th Edw. I. that was a service of Fifty-seven Ships.* According to other authorities, it was one of Fifty-two.† In either case, it was a service which provided a navy fully equal to that of every rival Power, from whom danger was to be apprehended.

It was only for extraordinary purposes that the King was authorised to demand those new resources, which it was the province of the Great Council or Parliament to bestow. Thereby the Assembly was placed under the necessity of deliberating touching the purposes, before the grant could be made. When made, those only were bound, whom the Council had power to bind, by its vote. All the rest were exempted; and, to obtain their concurrence, the same debates and consultations had to take place with the authorities of each exempt jurisdiction, as to the prudence and justice of the contemplated measures, and as to the exigency of the case.

It is the fashion to speak of Supply as though it were a Privilege of Parliament. It is not a Privilege but a Task! When Parliament understood it in that light, it was a task well performed. Every Vote of Supply was in the nature of a Verdict. The Monarch expounded to the Assembly the circumstances of the case, and explained the measures in contemplation. It was for the Great Council to consider whether these constituted such a case as Justice would approve, and the Laws warrant. If their "Verdict" were unfavourable, the Grant could not be made. It did not depend upon their good will to do that which the Laws prohibited. If their "Verdict" were favourable, the Monarch obtained, indeed, a Grant, but only such an one as Parliament had power to make. Hence it was always necessary to determine the extent of their powers, and, in the examination of that question, countless others, involving the most delicate subjects of positive and natural

* Fed. N. E. t. i. p. 558.

† I. Rot. Claus. xli.

law, had to be canvassed and ascertained. Even when made by a competent authority, the grant could not legally be left to the absolute disposal of the Monarch. It was made only upon conditions, and by the non-fulfilment of one of these it became void.* It was also, by a steady and zealous precaution (to which the Decrees and Orders of actual Courts of Equity still offer some analogy) specially appropriated to the particular service, which had been made the ground, and reason, and purpose of the Grant. The Exchequer, into which the instalments as received were paid by the "Elisors," was but an office, or department, of the Council, and for their application of themonies so received, the Barons were as much accountable to them, as the Accountant-General of the Court of Chancery now is to that Court. Let us add, in order to complete the analogy, that it was no more in the power of the Council to consent to a diversion of the supplies in the King's favour, than it is competent to the other Court now, to consent to any misappropriation whatever of the funds under its control, and belonging to its suitors.†

Thus, to the King belonged Prerogative, or the right of initiating the measures necessary to the Common-weal, but the Council alone possessed the means of carrying them into effect. In other words, the Prerogative was fettered by the very instruments which its great constitutional necessity obliged it to employ. Hence, questions of War and Peace, Leagues, Truces, Reprisals, Armaments, Navigation, Customs, Trade, Transmarine and Provincial Government, Taxation, Franchises, Offices, Confirmations of Charters, Public Justice and Police, all which in one sense belonged solely to the Crown, as "*parens patriæ*," and by

* I. Parl. Writs, 104-5 (48.) II. Parl. Writs, Div. ii. p. 41(3.)

† I. Parl. Writs, p. 136. (49.) II. Parl. Writs, Div. ii. pp. 63. (72-3.) 92. (71.)

virtue of the Sovereign Prerogative, became nevertheless of Parliamentary competence, so often as the concurrence and assistance of Parliament was demanded, that is to say, in every case where the Crown alone, had not the legal capacity to ordain, or the means to carry out the necessary measures. In truth, neither the King of England, nor the Prince of Wales, nor the King's Lieutenant, were competent,—without the concurrence of the Great Council of England,—to transact “any great or weighty affairs touching the King, or businesses, touching him or his Realms,” above all, any thing that concerned foreign states.* His brother of France, seems to have been, at one period at least, under a similar necessity.† Instances have been already cited; but the following may also serve to illustrate the jurisdiction, which, by virtue of the same judicial character, that gave to it the control over supplies, belonged to the Great Council, or Parliament.

It exercised a general superintendence, in the nature of Appellate jurisdiction, over the Cities, Boroughs, and Franchises of the Realm, and these, wherever their misfeasance or default was manifest, it held to their duty.‡ By it the Great Charter, and the successive Confirmations of the same, were promulgated to the people, and by it also such Promulgations were occasionally, and under circumstances, refused.§ If the Ordinances of Trailbaston, or other measures of general police, were prepared by that branch of the Council to which the King's more secret deliberations were confided, it was in Parliament alone

* I. Parl. Writs, Chronological Abstract, p. 31. (1.) and pp. 55 (10); 61 (40.); 254. (2.); 296-8 (40); 300 (48.) II. Parl. Writs, Div. ii. pp. 157. (24-5); 171, (1); 501, (34-5.)

† I. Parl. Writs, n. 16. n.

‡ II. Parl. Writs, Div. ii. p. 61. (56.)

§ I. Parl. Writs, Chron. Abstr. n. 40. n. 1.

that their Promulgation took place, by delivery to the Justices.*

In the Council the King's Prerogative of *Non-Obstante*, otherwise called the Dispensing Power, was exercised. It was not in the power of that body, even by the most stringent enactment, to take away or lessen, or obstruct that transcendent Prerogative, which belonged to the King, of suspending,—for the Common-weal,—the operation of Charters or Statutes, where their operation was calculated to produce evil, or to prevent what was wholesome for the public service. But the Council had the right of deliberation and advice, as to the emergency of the case and the policy of exercising that Prerogative. It was, in fact, a branch of its general equitable jurisdiction. Thus, where “for the Common Profit of the King, and of all his people of England,” a Petitioner, after setting out a particular Grievance, occasioned by one of the Provisions of the Statute of Westminster the Second, prayed King Edward the Second, that matters might be restored to their former condition, “notwithstanding the Statute aforesaid,” it was ordered by the King in Council that, whereas similar Relief had been formerly granted to other Petitioners “by the King's Royal Father, and by his Council,” the same should continue to be granted, “*non obstante Statuto*,” &c.†

All manner of petitions to the King in person were disposed of in like manner. They were indeed answered by himself, but only according to the Opinion and Advice of the “Prelates, Peers, and Council of the King.”‡

There the King's Sergeants-at-Law received their instructions, and the rights of the Sovereign were “defended.” There the creation of Courts, the increase of Judges, and the supersedeas of Commissions were determined; and there too, long after their separation from the

* Id. p. 408. (61.)

† Rot. Parl. 8 E. II. p. 289.

‡ II Parl. Writs, Div. ii. p. 156. (19.)

Great Council, the Seals of the Courts of Westminster, were from time to time called in and cancelled, and others substituted in their stead.*

The Precepts, and Ordinances, of the "King and Council," were to be obeyed, under the penalties of "trespass." The appearance of parties summoned was enforced by attachment. Nor was so bold and indiscriminate a measure, as the seizure and imprisonment of that great and powerful body, the Knights Templars, beyond the competence of Edward the Second, acting with the concurrence of his Council.†

Of the Customs' Duties the custody belonged to the Council, together with the right of setting them in mortgage, or in farm.‡

There the political affairs of Aquitaine and the King's continental dominions received their examination, and were transacted.§ There, too, upon Petition from the Isles, and other transmarine Possessions of the Crown, the Wrongs of the Lieges were redressed, and Commissions of Oyer and Terminer were granted, to try Impeachments, preferred against the actual Governors or Deputies of those Possessions, and their Justices.||

War was not made, Truces were not determined, nor was Rebellion itself dealt with, unless upon formal Declaration, and Proclamation, of the Causes thereof, as well to the Enemy as to the loyal Subject. That Declaration issued, that Proclamation was made, only after Deliberation with the Council, and by its Advice, and upon its Re-

* II. Parl. Writa, Div. ii. pp. 40, (5) 56, (30) 58-9, 160, (37) 369, (1).

† Id. pp. 7, 8, (36) 34, (15) 79 (5).

‡ Id. pp. 23, (11), 101 (29).

§ Id. pp. 43, (3, 4) 70, 76.

|| Rot. Parl. 18, Edw. II. p. 416, and *MS. History of Common Law, penès nos.* pp. 106-7.

sponsibility.* The law was tender of the consciences of those whom the Monarch summoned to his battles.—The summons did not make them legal, nor if they were foughten against law, did it take away the liabilities which the soldiers had thereby incurred. “The military and civil Policy,” observes Sir Francis Palgrave, “of the antient Nations, were combined; the Army being only another name for the State or Commonwealth.”†

The Council had jurisdiction over warlike Armaments, and to it the selection of the chief Commanders belonged.‡

The chief Ports were subject to its authority, and the departure of Subjects out of the Realm might at any time be restrained by its Mandates, addressed to their chief Officers.§ The levying of private War, under whatever pretext, was jealously forbidden to the Subject. Tournays, or Jousts, it belonged to the Council to permit, or to prohibit, and the names of the contumacious Tourneyers were returned to the Council “in Chancery,” that the offenders might there be dealt with according to the Law.||

Envoys to foreign States received their instructions from the same Assembly.¶ On their return they had to answer there for their manner of obeying them. It was for the Council to decide, whether to allow, or annul, their proceedings.**

The Envoys of foreign Powers transacted business before the Council; international Affairs being then considered

* I. Parl. Writs, Chron. Abst. p. 6, n. 25, n. and pp. 222, (1) 275, 277; II. Parl. Writs, Div. i. p. 390, n. Div. ii. pp. 66, (3. 11) 501, (34) 539, (3-4). App. pp. 29, (2. 15) 75-6 (13).

† I. Rise and Progress, &c. p. 304.

‡ II. Parl. Writs, Div. ii. pp. 377, (1) 302(6). § Id. p. 390 (51).

|| II. Parl. Writs, Div. ii. App. p. 19 (18).

¶ II. Parl. Writs, Div. ii. pp. 43, (5) 55, (27) 124, (81.-2) 231, (37) 232 (40), App. 36, 39.

** Id. pp. 284, (37) 285, (82) 291-2.

to be "Matters that touched the whole Realm." The King himself, if the Council were not then sitting, summoned it, upon such occasions, by special Writs.*

Reprisals were ordered in Council, and the records of the proceedings were preserved in the Chancery. In the first place, there issued the special Letters of Request; and, if the redress were still denied, then, upon Certificate thereof, under the Corporate Seal of the place to which the aggrieved subject belonged, the Warrant went forth, by which the Bailiffs were directed to seize the goods of subjects of the aggressor nation to an adequate amount, and to keep the same, until compensation should be made.† When, on the other hand, the injury had been done by the subjects of England to those of a foreign State, or when, for any reason, the balance of compensation was due to the latter, it was by the Council that the terms of composition were arranged, and concluded. Wrong had been done to certain Flemish Merchants, and the Council of Edward the Second, upon the representations of the Earl of Flanders, awarded them the redress they sought.‡

Such were the powers, and such the duties of the Great Council of the Realm. Yet the Writs and Records of the epoch rarely make mention of that body, as being invested with direct executive functions. The Crown was the only source of Jurisdiction. "Every Franchise was "Royal, and pertained to the Crown," by its origin.§ Government was for the King. The Council did but advise him how to govern.

That was, that is, the language of the Constitution, nor can the subject demand a better safe-guard of his liberties. The Prerogative, or right of initiation, became a dead

* II. Parl. Writ. Div. ii. pp. 171, (1) 230, (36) 501, (34, 5).

† Id. Append. pp. 16, 17, (5).

‡ Id. n. 133, (24).

§ I. Parl. Writs, p. 383, (7).

letter, unless the sanction of the Council had been obtained, for the completion of the measure. Without that sanction, the Sovereign had indeed a nominal capacity of action, to the extent of his personal means, and resources, but no further. He could not demand, as of right, the co-operation of the meanest individual, until he had submitted his measures to the remonstrance and controul, and received the sanction of his Parliament, nor even then, unless the sanction were such as the Parliament was by law warranted to give; that is, unless the measures were themselves lawful.

The exceptions are not numerous, where, upon the Records, the Council appears, not in that capacity, but as invested with the direct executive authority, jointly with the King. An early instance, and perhaps the first on record, occurs in the tenth year of the troubled reign of Edward the Second :—where Writs appear to have been issued “*per ipsum Regem et Consilium.*” In the reign of his father, there are several recorded instances, where Ordinances and Precepts of a declaratory and, perhaps, legislative character, expressly bear to have been made “by our Lord the King, and his Council;” but, between acts of that character and the exercise of functions purely executive, the difference is wide and obvious.* Yet, even in the Enactment of Laws, and the Promulgation of Ordinances, the King, in by far the greater number of cases, appears alone upon the Records, as the authority whence emanated, and which commanded, the measure. The Council, although in each instance possessing a real and even a direct authority, almost equal to his own, appeared but to recommend or advise it. Such indeed is still the language of the enacting part of every new Statute.

The Parliaments of those days, while they limited the

* I. Parl. Writs, pp. 226, (18) 272, (5) 394, (36). II. Parl. Writ, Div. ii. p. 166 (1).

Prerogative, made not that limitation their sole end and aim. Then Parliament was universally felt to be, that which the Law still recognises in it, the King's highest Council of State. Each Member of Parliament was the King's "Servant," the King's "Minister," the King's "responsible adviser." The fiction of a "Cabinet" was then unknown. The doctrine of "Majorities," and "Minorities," had found as yet no place. There were neither Treasury nor Opposition Benches. The fate of a public servant did not depend upon the strength of his Sect, nor on the popularity of his Doctrine. Men in those days could neither win Place by a victory in Parliament, nor lose it by a defeat.

Then the responsibility of Officers of State, was practical and real. When all alike, Parliament Men, and King's executive Officers, were servants of the Crown, no prejudice of Caste, no interests of Party, intervened to screen such as were guilty or incapable, from the pursuit of the rest. Ministers themselves were often the first to grant redress against the acts of their fellows. In the reign of King Henry the Third, the Lord Protector Pembroke is recorded to have given relief, as prayed, to one aggrieved by his Highness's own colleague, the Justiciary of England. The latter, in return, awarded to another claimant due satisfaction for the injustice, which he complained to have received from the actual Chancellor of England: and, to another, he gave similar redress, against his brother dignitary, the Justiciary of Ireland.*

Those were cases of a civil character, where the injury to public justice was sufficiently atoned for, by the satisfaction of the party litigant. But, in criminal cases, recourse was had to the formidable method of Impeachment, before the Council itself, or its Committees. It was

* I. Rot. Claus, pp. 378, 569, 570.

generally sufficient if the Presentment were made upon the oaths of "Twelve Men," as in meaner cases of delinquency.* But, when Adam de Stratton, the Chamberlain of Edward the First, was impeached for extortion and oppression, proclamation was made throughout all England, in every Shire, that all who had been aggrieved by that mighty offender, should appear before the Barons of the Exchequer, to prefer their complaints, and to receive what "the King and Council" should ordain. From every Shire, at the same time and the same place, a "Jury of Twelve Men" was to be returned by the Sheriff, by whom the King might be the better certified of their complaints, and the truth thereof be made the better known.†

If the crime of the offender were one cognisable at the Common Law, it was dealt with accordingly. But if it were one, for which an adequate relief was only to be sought from the Equity of the Sovereign, the Great Council alone had jurisdiction. An extraordinary Tribunal was appointed, with instructions to do "summary" Justice in the premises, and "without the delays allowed in ordinary Courts." In the instances last referred to, the mandate declares the object of the investigation to have been the offences and defaults of corrupt and tyrannical officers.‡ It is painful to contrast this simplicity of procedure, with the hundred unworthy artifices, by which the guilty anxiety of coroneted judges for the personal safety of Warren Hastings, and perhaps a fellow-feeling for his crime, made his acquittal easy, and ensured impunity to all future criminals walking in his footsteps.

Of the method of constituting the Council we know but

* I. Parl. Writs, Chron. Abstr. p. 14, n. i. and p. 394. (35.)

† Memoranda in Scaccario, *apud* Palgrave's Rise and Progress, Vol. i. p. 309.

‡ I. Parl. Writs, pp. 398-400, (43).

little. The names of a few only of the Members have come down to us. The records seldom enumerate those of the less influential Members, and never, unless in connection with affairs, in the transaction of which some of the latter had taken part. Of the members of the Council, or Curia, who met during the long interval between the twenty-eighth year of the reign of Henry the Second, and the fifteenth year of John, inclusively, the names of only thirty-four are to be found in the fines levied there during that period; the fullest and most authentic of its Records.* Yet, who that is familiar with the Parliamentary History of the time, and more especially with that of Henry's reign, can doubt, that the Great Councils of the Realm were, upon occasions, far more numerously attended? This is still more true of the meetings of the Council in after times, where, if we are to confine ourselves to the language of the Records, we must suppose, that in one Parliament there sat only twenty-three persons, and that, in one other,—which is, nevertheless, styled a “full” Council or Parliament,—only one Archbishop, five Bishops, three Earls, and thirty Barons, attended.†

It is unnecessary to examine the various opinions, emitted by learned, but partisan writers, in modern times, upon this question, or, in general, upon any other question touching the classes or ranks of men, which formed the elements, whereof the early Parliamentary Assemblies of this country were constituted.

That the Greater Barons, and the Prelates, were Members of the Council, and were specially summoned to it, has never been disputed. That the Minor Barons, or simple Tenants in Chief of the Crown, were also Members of it, but not, as it seems, summoned to attend it, the authorities compiled with so much industry by the

* 1 Fines, Introd. xxxv. lx. † 1. Parl. Writs, pp. 6, (3.) 65, (4).

Lords Committee, in their Four several Reports, can scarcely permit us to doubt. That the principle of representation by deputies obtained as early as the reign of John among the Minor Barons, and that,—like the other “*Thanes*” of the Shire, and the “*Jurors*” of the Hundred, and the “*Good Men*” of the Vill, (whose proceedings in that respect we have examined and ascertained,)—they were, generally speaking, well pleased to transfer, from themselves to a select number, the weighty and costly burthen which personal attendance in the Royal Councils involved, is strongly probable in itself, and powerfully supported, not only by analogy, but by the direct authorities which are to be found in the valuable compilation, already noticed. That the Villeins were represented by their respective Lords, and bound by their votes, is undoubted. That, in general, the same Lords were authorised by the delegations of their own Frank tenants, to “*treat*” and “*transact*” for them likewise, is highly probable. That the Justices were constant in their attendance as Members of the Council, and that they expressed themselves there with freedom and authority upon all questions of law or justice, is matter of record. That, besides these, it was the right as well as practice of the Sovereign, to summon to the Council, from time to time, such “*Councillors*,” “*Clerks*,” and “*Learned Men*,” as he considered it desirable to consult with upon the particular emergency, and to dismiss them when he thought proper no longer to require their presence, is equally manifest.* But, further than this, it would be useless and perhaps impossible, to push investigation. The comparative ranks and degrees of men,—of the grades

* See, in particular, the Writs of Edw. I., summoning Clerks, Lawyers, University Men, and other “*learned people*,” for the benefit of their opinion touching his Scottish title. I. Parl. Writs, pp. 91, (8-10,) 92, (19).

which classed Barons among the Greater or the Minor,—whether all Tenants in Chief, or only military tenants, were included among the latter,—and the limitations of the elective franchise and the number of representatives,—or whether any such limitations existed ;—these are speculations, which, however much they may interest or amuse the Antiquary, would be vain and useless in themselves, even did authorities exist, by which they might be decided.

It is sufficient to know, that to the Parliaments, or Councils of the Realm, all persons whatsoever, and of whomsoever tenant, were bound to repair, when summoned by the Sovereign, and thereat to afford him their help and counsel, to the utmost of their power. The Procurator of the Abbot of Northampton, when he prayed, on that Prelate's behalf, an exemption from service in Parliament, did not venture to deny that it was his obligation to come, if the King persisted in requiring his presence. Had he done so, observes the Record, he feared to have made himself liable to punishment, as in cases of contumacy or contempt. Therefore he grounded his petition on the historical fact, that never until then had an Abbot of Northampton been summoned to Parliament. And so, from the goodwill of the King, aided by the powerful intercession of “ his Right Honorable Lord, Monsieur Thomas, Earl of Lancaster, Seneschal of England,” the petitioner obtained the exemption he sought.*

It was, in like manner, a high Contempt and Trespass in any Councillor, to refuse to advise the King, however grave the matter, and however reluctant to incur the responsibility of giving advice the Councillor might be. The offence was one punishable with Imprisonment; mainpernable nevertheless, upon good and sufficient Recognisances.† It was a necessary consequence of this obliga-

* II. Parl. Writs, Div. ii. p. 199, (47). † Id. p. 285, (82)

tion to give advice, that the members of the Council were entitled, or rather bound, to employ the utmost freedom of speech, and boldness in opposition, when the measures propounded appeared to call for such. Hence the arbitrary conduct of Edward the Second, in having, upon several late occasions, brow-beaten and overawed his Council into the adoption of ill measures, was openly denounced in the spirited "Schedule," or Remonstrance, (already mentioned to have been read and adopted by the Convocation of Lincoln), as the main cause of the many disasters and disgraces which had latterly tarnished the Glory, and imperilled the Safety of the Realm, in the war with Scotland. Very different was the manner of Robert Bruce. "In their Councils and Deliberations," they say, "our Foemen do determine, and develope with certitude, the public usefulness of their Enterprises, and Assaults, and other Crafts of War. And there, too, with free voice each man speaketh, and is heard with kindness, and earneth thanks, or at least getteth him not foul words."*

Of the members of the Council some were appointed, for life or otherwise, by the Sovereign, who nevertheless do not appear to have been Barons, nor Prelates, nor Representatives of Communities.† These were specially "sworn of the Council,"‡ and, under that somewhat peculiar designation, they were for ever afterwards exempted from taking the oaths usually demanded, upon passing official accounts of receipt and expenditure; those for example of the Wardrobe.§ They appear to have answered, in all respects, to the character of the "Rædegifan," or "Consilarii," of the Confessor. There is also no doubt that

* II. Parl. Writs, Div. ii. p. 284, (76).

† Id. p. 162, (46).

‡ Id. p. 3, (5) 156, (19).

§ I. Rot. Claus. Intr. xiv. 1.

when, in some of the later writs, (or Parliamentary Writs, properly so called,) we find it charged to the persons summoned, that they repair, with the Parliament men "and others," to the Council of the Monarch, the word "others" is employed to denote the King's Special "Councillors," as distinguished from his General "Councillors" or Members of Parliament.* When Chief Justice Brabazon resigned his office of Chief Justice, he would thereby have ceased to occupy the seat in Council, which he had filled in his judicial capacity. But the King gave him a new and distinct appointment to the Council, and so retained him in his place.† On the other hand, these special "Councillors," as we have remarked already, were official members of the Parliament, or Great Council, without possessing any territorial, or any other title to that dignity, than that such was the sovereign will of the Monarch.

But the greater facility, which the selection of a smaller body of men afforded for the expedition of public business, made it of the same daily experience after the Norman Conquest, as it had been under the Saxon dynasty, for the Council to delegate, from time to time, to its select Courts, or Committees, such of its functions and powers, as were necessary to that end. Hence the Court, called the Triers of Petitions, took its rise, or rather, was, under a new name, revived in Edward the First's reign. It is curious to remark that its Constitution was Duodenary. It consisted of Twenty-four members, and these, subdivided into Sections, heard and disposed of the petitions for the redress of grievances, that came from England, Scotland, Wales, Ireland, the Isles, and the English Dominions in France.‡ Neither the name, nor the office

* I. Parl. Writs, pp. 29, (23). 79, (6). 83, (2). 113, (7). 120, (55). 513, (7).

† II. Parl. Writs, p. 162, (46.)

‡ I. Rot. Claus. Intr. xxviii. I. Parl. Writs, p. 155, (44).

have been wholly lost, even in these days, and, although the duties attached to both have long since ceased to be discharged, it is still the ceremonial custom of the House of Lords, at the commencement of every Parliament, to choose the "Triers," or "Auditors of Petitions," from amongst the members of the House. That Derivative Court of Equitable Jurisdiction might, like its predecessors, have grown into greatness, and, perhaps, like them have separated itself in time from the Parliament, but for the sudden rise of the power and influence of the Third Estate of Parliament, which happened about this period; and, above all, that division of Houses which followed not long after. From that time the Commons of the Lower House assumed to itself, by degrees, the right of hearing and answering, instead of preferring Petitions, and the Remedial Court of Triers or Auditors fell gradually into disuse;—whilst the Privy Council, and the Courts of Chancery, King's Bench, Common Pleas, and Exchequer, not only continued to maintain, but so largely extended, their derivative jurisdiction, that their origin became forgotten in their greatness.

Other instances of the Duodenary Committee, and the more interesting, because they testify to the universality of the practice, are to be found in the early Parliamentary History of Wales. To the Parliament of York, in the fifteenth year of Edward the Second, the King summoned Representatives from North and South Wales, by a writ directed to the Justiciary, Edmund, Earl of Arundell, by which, after reciting the loyal and meritorious conduct of "the lieges, as well Knights, as others of that country," the Earl was directed to summon "Twenty-Four discreet, lawful, and able Men," from North Wales, and another body of the same number and character from South Wales, each body having "full and efficient powers on "the part of their Communities" respectively; and to

cause them to repair to the King's Parliament at York.* In like manner "Twenty-four" Representatives were summoned from North Wales to the Parliament at Westminster, in the twentieth year of the same reign, by which Edward's Deposition, or rather "Defiance," and his son's Accession were proclaimed; in order to obtain their "consent" to such ordinances as should there be made, "for the common profit, peace, and quiet of the Realm."†

The same Number, with its Multiples, (sacred from the association with Courts of Justice) is constantly to be met with, throughout the period which is here endeavoured to be traced. "Twelve," in number, were the Nobles and Prelates whom the Parliament of the 28th Henry III. named as their Committee, to confer with the King, and shew their reasons for refusing him a grant.‡ The "Ordainers" of Oxford in the 42nd Henry III. were in number "Twenty-four;" the delegates of the "Community" were "Twelve,"—for general purposes,—and "Twenty-four," when an Aid was the matter to be discussed.§ "Twelve" was the number of the extraordinary Council in the 48th Henry III.; and to "Twelve" it was committed, in the 51st year of the same reign, to make the famous "Award," or "Edict of Kenilworth."|| "Twelve" deputies were charged in the name of Parliament to invite the attendance of King Edward the Second. To "Twelve Ordainers" the Reformation of the Realm was in the same troubled reign confided.¶

Of the same origin with the "Triers of Petitions," and

* Rot. Parl. Edw. II. p. 456. App.

† Fœd. N. E. t. ii. p. 649.

‡ M. Paris Ann. 1244.

§ Fœd. N. E. t. i. p. 371. Annals of Burton.—Pat. 42, H. III.

|| Fœd. N. E. t. i. p. 443. Annals of Waverley, An. 1266.

¶ II. Parl. Writs, Div. ii. p. 354, (20); and App. p. 267. See also Wend. Vol. iii. p. 259, tem. John.

the other Committees we have mentioned, came that of the "Select," or "Standing Council," and apparently it too was at first of the same Duodenary Constitution. The "Rædegifan," or those "Sworn of the Council," belonged to it as of course. Their Oath pledged them to keep the "King's Secrets," and to discuss them nowhere but in Council. It resembled in every point the Privy Councillors' Oath of the present day. The Justices were likewise Members, as were also the Greater Barons, such of them, at least, as received Writs commanding their attendance. But the Parliamentary Members, who represented Communities, had, in general, duties to discharge within their own local Jurisdictions, which demanded their personal supervision. Thus, for example, the Conservators of the Peace for the Shires, were, with scarcely an exception, the same Knights whom the Shires returned to Parliament.* It is true that the duties incident to that office, although they embraced among others, that of making Monthly Returns to the Great Council,—or during the Recess, to the "Standing Council,"—were no sufficient "Essoign," while the Great Council was sitting, for non-attendance there.† But, when the Season of Parliament was passed, the obligation of giving a personal attendance to the duties of their local trust devolved once more upon the Knights Conservators. In like manner, it was proclaimed, at the end of every Session, to all other Members, Spiritual or Lay,—and as well to the Archbishops, Bishops, and other Prelates, the Earls, and the Barons, as to "the "Knights, Citizens, Burgesses, and others of the Com-mune,"—after thanking them for their presence,—that

* See "Conservancy of the Peace," in Appendix to vol. i. of "Rise and Progress," &c. p. cccc. l. iv.

† II. Parl. Writs, Div. ii. p. 482, (29); and Appendix, p. 74, (33.)

" it was the King's Will that all should return to their own country," save such as had private business to transact, and " save the Bishops, Earls, Barons, Justices, and others, which were of the Council of the King; for these should not depart without the King's especial leave." The spirit of the institution has been long since lost. But the form is preserved, and the trite clause in every Speech for the prorogation of Parliament, which assumes that members are undoubtedly on the eve of "returning to their respective Counties," still continues to recall the Proclamation of King Edward the First, and the Wisdom of his Epoch!

When Parliament was not sitting, this Select Council discharged the more pressing of the public affairs, exercising, in its deliberations, an authority equal to that of the Great Council, from which it emanated, and of which it was the acknowledged Representative and Delegate. The Eighth and Fifth levied by Writs, tested the 30th July, in the 25th year of King Edward the First, and the Ninth, levied by Letters Patent, tested the 14th October in the same year, and each of which expressly bear the sanction of "the Council," could not have been granted by the Great Council, for it was not sitting. The sanction given was that of the Select or Privy Council, acting, nevertheless, within the scope of its derivative authority.† Tallages, in like manner, and, (where the emergency was such as to embolden the Councillors to take upon themselves a responsibility so hazardous and odious,) Forced Loans are recorded to have been made by the Privy Council, between the Seasons of Parliament.‡ But, in general, the functions of that body, although most important, did not embrace matters so weighty as that of

* I. Parl. Writs, p. 155, (44.)

† Lords' First Report, pp. 221—227.

‡ II. Parl. Writs, Div. ii. p. 84, 27-9.)

Supply. *That* was generally left to the consideration of the next Parliament. The Privy Council confined itself, for the most part, to the exercise of diplomatic, judicial, and ministerial functions.

The emphatic and comprehensive language of old Records describes the Select Council, as being charged with the discussion of "the King's Secrets;"—whence its name, "Privy Council," or "*Secretum Concilium nostrum*."* With the same terseness and accuracy, they define the authority of the Councils to consist in its being the necessary instrument of Prerogative, "so that not "even the business which could be done by the King "without the Parliament, should be done by him "without the Standing Council.† In this respect,—the more remarkable because no parallel instance can be named,—the Privy Council possessed an authority which did not belong to Parliament.

Of the peculiarity in the method of transacting public business by means of that select body, scarcely any information is to be found in what contemporary Records have come down to us. There was a "Chief," or "Captal," as the "President of the Council" was designated, in the time of Edward the Second. Thomas, Earl of Lancaster, while at the zenith of his greatness, was the Captal of that Sovereign's Privy Council. Without "his assent, "and that of the other Prelates, Earls, and Barons, who "to counsel the King should be ordained, no great or "weighty matters, or businesses whatever touching the "King or kingdom," could be "done or performed." "In the hour that his Lord, the King, should not do "according to him and the others of the Council, after "the same had been shewn unto him, and he would not "by counsel of the Captal, and others aforesaid, redress

* II. Parl. Writs, Div. ii. pp. 162-3, (46). I. Rot. Claus. Introd. xxxviii. (note 5.) † Id. Div. ii. p. 184, (5.)

and not "Ego," became the style of regal mandates. But these were innovations, which regarded matters of a slight and trivial import, and to such they were steadily confined. It is a remarkable fact, that, even in the times of the Plantagenets, "*Hiis Testibus*," or the Testing Clause, in which the names of the responsible advisers of the measure were to be inscribed, was never once omitted from any Instrument of importance, or that related to any great or solemn occasion or concern.

Towards the end of the troubled reign of Edward the Second, the Privy Council had grown into great, and even undue, importance. The power of the Crown, wrested from the weak hands which sometime swayed it, had now devolved upon those, who, by their armed partisans, kept down opposition for a time in Parliament and Council. But the violence of the proceedings rendered them of brief endurance. In defiance of the unlawful prohibitions of the Captal, others were added, or, as he expressed it, added themselves to the Council, "by secret bond" with one another, and with the King.† At a later period, by negotiation with the Barons, the elasticity and independence of the Council were restored. Until Parliament should have time to assemble, and to make a lasting settlement of the matters in debate, it was agreed that the Privy Council should consist of the seventeen bishops, barons, and gentlemen then and there named, the Captal's own Banneret being one of them, and that of these five should be the Quorum, to attend the King for the transaction of public business; a new quorum to be selected from among the remaining "Twelve," at the end of every quarter. Parliament ratified the arrangement; — and, moreover, prayed the King, that he would vouchsafe for

* I. Rot. Claus. Gen. Introd. xvii. to xix. and the Notes.

† II. Parl. Writs, Div. ii. p. 120 (25), Appendix.

all time coming to choose his "Standing Council" from amongst them, and upon the footing of that temporary arrangement.* This in truth was nothing more than a declaration made in favour of the laws and constitutions of the country. The King promised to guide himself in conformity with their prayer.

In after times the strange and absurd blunder of a palaeographer, or clerk, in the reading of a word, first led to one important deviation from the antient practice, which has now acquired a kind of sanction from long use. The jealousy of Edward's Parliament, in the instance last cited, was not directed against the excess of Privy Councillors, but against their deficiency. In assigning him the "*Standing Council*" of the Five acting members, with the "Twelve" others in reserve, it was the intention to prescribe, not the highest, but the lowest number, of which that Derivative Body ought to consist. Yet it has long been the practice, to consider the Privy Council as being sufficiently constituted, for many highly important purposes, by a quorum of Two. That the notion, however it originated, was from the outset a most erroneous one, no lawyer will venture to deny. That the error first arose in the way stated by Sir Francis Palgrave seems highly probable. "In a case," says that learned writer,† "arising out of their supposed jurisdiction, a document was produced, which any person, moderately acquainted with records, would, I think, have expounded as evidencing a Committal '*per duos* (dominos) de Concilio.' The Court admitted the reading '*per duos* de Concilio.'—And the ambiguous form of a letter vested in *any two individual members*, whose signatures could be obtained, the power, which, according to the antient constitution, belonged to

* II. Parl. Writs, Div. ii. p. 184 (5.)

* I. Cur. Regis, Introd. lxx.

“ the *Lords* of the Council, sitting in their *corporate* capacity, and as a *tribunal*!”

The temporary ascendancy of Royal Power, during the 15th year of Edward the Second, enabled that Monarch to obtain the concurrence of his Parliament, in an Enactment, intended to restrain the assumption of regal authority, by powerful and discontented Councillors. This remarkable document is to be found in the Collection of Statutes, compiled by the authority of the Commissioners of Public Records.*

In form, as in substance, it was strictly declaratory of the law as it then existed, and had of old time been accustomed. The Ordinances of the 5th year of that reign were revoked on the ground of illegality. It was then enacted, that for ever thereafter all manner of Ordinances or Provisions made *by the subjects of the King or his heirs*, by any Power or Authority whatsoever, *concerning the Royal Power of the King or his Heirs, or against the Estate of the Crown*, should be void and of no avail whatsoever. But the matters to be established for the Estate of the King and of his Heirs, and for the Estate of the Realm and of the People, should be treated, accorded, and established *in Parliaments, by the King*, and by the assent of the Prelates, Earls, and Barons, and the Commonalty of the Realm, *according as had been before accustomed*.

The Declaration is simply, that the Constitution of the Realm, conferred no power upon the subject, to bind the King, by Ordinances or Provisions, made without the Royal Authority. But it is also declared, that the Prerogative, though absolute in its nature, is in the exercise limited and circumscribed. The King it is who “treats, “accords, and establishes” the matters that concern his own Estate, and that of his Realm and People. But it is “in Parliaments,” and by the Common “Assent” of Parlia-

* And see the Lords' 1st Report, pp. 282, 291-3, 472.

ments, that those functions of Royalty are to be exercised. No new Privilege was given, no former Right was taken away by virtue of that enactment. That which it described, was precisely that which, in the very language of the Act, "had been before accustomed." The position of the Parliament towards the King, and of both Parliament and King towards those powerful bodies that were derivatives of Parliament, remained unaltered.—The old "accustomed" modes, of "treating, according, and establishing," the various Matters of Estate of which the Act makes mention, far from being abrogated by that enactment, were for ever after thereby strengthened and established.

The Statute, therefore, scarcely answers to that character for importance which noble and learned authorities have attached to it. But, if not a very important, it was at least a very remarkable one. It was the first Statute which declared and defined the old and time-honored Constitution of England. When such was necessary, the value of the Constitution was already beginning to be lost. Tradition, when it assumes the form of a Statute, ceases to be remembered—ceases, therefore, to be tradition. The Statute takes its place!

While the silence of Law is the token of a deep and sacred Sense of Justice within the hearts of the people, every authoritative Declaration of Law presupposes Crime. Above all comparison great and numerous must have been the crimes, which necessitated an Enactment, or Declaration of the Constitution itself—of that fixed and Fundamental Law namely, on which alone the people's existence reposes, and by which alone it is bound and kept together! The multiplicity of Written Constitutional Laws, according to the great writer, cited in a former article, proves nothing more than this, that Convulsion has multiplied, and that the danger of Destruction is nigh at hand. The glory and

the greatness of England were coeval with her traditions. They date not from Statutes.

It was, therefore, in the beginning of the fourteenth century, and under the feeble reign of a corrupt and despised king, that the first attempt was made to declare the Constitution by Statute. The era of Traditions was departing. Reverence for the past was already giving place to the love of Legislation. The march of incipient decline was even already rapid.

Yet the term Decline is one of comparison, and we, who dare to use it, live in 1843, and breathe in the Doctrines of 1688 ! In the Annals of degenerate States, our Era is unrivalled. Never was there one which more abounded in Statutes, that declared, and even enacted, the Constitution, and yet never one more fruitful in Malversation, Conspiracy, Betrayal, and the scandalous Impunity of Culprits!

EFFECT OF THE MISUSE OF FAMILIAR WORDS ON THE CHARACTER OF MEN AND THE FATE OF NATIONS.

No. II.

THE CONNECTION OF RELIGION AND POLITICS.

To utter the words "Religion" and "Politics," is to call up images of things dissimilar. Religion is something removed from temporal concerns—from men's errors and their passions, and is sacred and holy. Politics is something removed from plain and simple dealing; it presents thoughts of intrigue, falsehood, agitation and faction, and something base and unworthy. Religion and Politics are therefore thoughts the most opposite. Are they so in themselves—or is it that we make them so? No one will say that he creates the idea *Religion* or *Politics*, but he assumes the one or the other image, and then asks himself *what it is*, and if he cannot clearly render to himself an account of what it is—then is the image to him a false one. A man to *know what he means* by either word, must dive into himself to consult the impressions there treasured up, and of the origin of which he is no longer able to render account, and thus it is that he calls the image into existence; these two images so created are supposed not in us but without us. We may put on religion as a vesture—we may take up politics as an avocation—they are to be at our choice accepted or rejected, and they stand in our judgment as distinct the one from the other, nay as dissimilar, nay as

opposed. Should these images of religion and of politics not be correct,—should these two justly understood, not be without us but *within us*,—should they not be dissimilar and opposed but similar and necessary to each other,—then shall we have made *our* religion and *our* politics false. Yet this extinction of ourselves will not have come as a failure in a conscious effort of our reasoning powers, but it will come by accidents, traditions, thoughts, and speech—it will have come from impressions lying deeper than any process of thought, and being the very root of the words which we employ in thinking, which we have received before we used our reason, and the origin of which is lost to us in the dark antiquity of our childhood. It is our part therefore to ascend beyond the period of our individual existence, if we would discover even that which is within, and gain mastery over the forms of speech and the habits of thought, by which we are used each time that we think we use them.

There is the thought and the term, and as the one seems to represent the other, both must be erroneous if there be error in either, and they mutually afford assistance in detecting it.

Let us then commence with examining the terms.

We have borrowed from other and ancient tongues “Religion” and “Politics.” Borrowing of words is an operation that involves serious responsibility. A word representing the idea of a thing which is perceived by the senses, or a conclusion arrived at by a scientific process, may be

borrowed without hazard—it represents a known value. When a new result, discovery or object is presented, a new word is coined or borrowed. The thoughts that constitute the man are coeval with him, they are pure and simple only in the earliest times, in morals as there are no new discoveries to be made, there is no occasion for new terms, and when introduced they bring not aid but confusion. When a nation borrows a term of this description, it must be because it has not had an equivalent of its own:—but it cannot take the thought which it represented in the other language. It adopts the new term only to apply it viciously, and in fraud; to mask fallacies or misdeeds, that men would reprove or repudiate if presented in the plain terms in use. Take a recent instance “Expediency.” Who does not know why that word is used? There was no such word in the English language before. The original from which it is derived conveys no such meaning as that we have attached to it; is it not then clear that it was introduced in fraud, used designedly to mislead, and that it has been successful, and that its use has accredited public immorality, and degrading the tongue has degraded the character of every Englishman? It is a word that would be abhorrent to a virtuous people, and nonsensical to a simple or a logical one. Further, the form is no more Latin than the sense is Roman, yet this accumulation of solecism and error, only serves to render it the more available for the purposes to which it has been applied,

because it bewilders more effectually the judgment of the person to whom it is addressed. Being offered to justify some thing known to be wrong, the knowledge of the thing is lost sight of in the attempt to grapple with the phantom-word ; a word placed beside Right, which is not Right, which is to displace Right by being taken for it. Thus it is that in course of time, whatever corruption drops into the stream of language flows ever after therein. A fraud practised, a forgery committed by one man and in one age remains thereafter, and for ever after a constituent part of each human being born into that tongue. But it may be objected that a term may be used in one sense, in one age, and in another sense in another, and that it may be used in the qualified sense without injury, because without design or fraud. The original falsification *did not injure* the man who was guilty of it—*it injured those who did not detect it*. It is not the Minister of State who speaks of “ expediency,” that is deceived by the term, but it is the nation who by the word endures what is injurious and base. The fraud was the instrument only of the man who deceived, it is the cause of stumbling to the nation that is deceived. The change of the sense of a borrowed term, or the introduction of a false term was, whenever made, and by whoever made,—a perversion of the truth. There must have been a man who did this, and a period when it occurred ; that lie will not be attenuated in space, or absorbed by number, but it will be reproduced from generation to generation, and will

live anew in each man ; it will flow with time and expand with multitude.

Religion and Politics are words of this class, they do not represent things visible to the eye, and therefore this value resides in the word, because it originally creates *in the child* the idea to which it is applied *by the man*.

“ Religion ” comes to us from the Romans, we must seek first its Roman sense, and the sense it had in the origin of that state, and not in the times of its decay. We would say the “ religion,” of Rome was “ paganism,” ours is “ Christianity ;” their religion was a false religion, ours a true one, and in this consists the difference. It is merely a difference between the Roman’s belief and a Christian’s belief. This is not so ; the word Religion in Latin is derived from the verb “ *to bind*,” and it designates the earliest of bindings, the binding of man by his faith to the performance of those duties, that in modern English language are political.*

“ Politics ” is a term we borrow from the Greeks,

* It is singular that the Romans, who, in the origin constituted themselves for warlike purposes, with a determination and a science which has never presided in the same degree at the formation of any other state, should at the same time have imposed upon themselves restraints in the exercise of that power to which there is no parallel instance. The great Legislators of the East, have indeed imposed such restraints, but in Rome it was the very band of armed men, that bound itself down to the extent of withdrawing from its own secular Government, not only the power of declaring war but the negotiations which might have a tendency thereto.

we would say "the politics of Greece was their form of government and their public affairs, and the politics of England is ours, and therefore the term "politics" can be equally applied to England and to Greece, the difference being the difference between Athens and England." But it is not so. The word "Politics" in Greece had reference to the laws by which men were brought and then bound together. It did not represent either constitution or acts. Its root is *πολις* a city, thence *πολιτεία* or the state, thence *τα πολιτικά* which we translate "politics," that is the knowledge of what it was proper and fitting that the state should be.* It was the knowledge of justice, to enforce which law was ordained. Politics was the highest of terms, the justest of things. It represented whatever was excellent in the state, whatever was dutiful for the men. It stood above the law, giving to law both its essence and its power.

To the Roman "Religion" presented not worship, not faith, not abstractedly duty to his fellow-man in private concerns and in individual dealings, but with all these it signified the binding of man to do justice to and by the state, as a member of the community, and thus was it that to a religious body the power of peace and war was confided.

In Greek the word "Politics," in Latin the word "Religion," was equivalent to wisdom and justice. In the Latin or the Greek language it

* Laws among the Greeks were "regulations."—*νομοι*.

would have been impossible to represent the meaning that is conveyed by the perverted use of the terms we have borrowed from them—"Religion and Politics are opposed,"—nor could we in English say this, had we not borrowed and falsified foreign words. Man was then considered a political being, as we now call him a reasoning being. The irreligious man was not a "politician" but a "bad man." The non-political man was not a "religious" but a faithless one. There was no religion that could be adopted as a vesture, there were no politics that could be worn as a mask. Politics was the knowledge of what was right. Religion the obligation to perform it. In their verbal origin the thoughts so far from being opposed, are inseparably connected, and being separated are both destroyed. Religion is conscience, politics duty; for the first is to comprehend, the second to do our duty. Can a man understand his duties and not perform them? Can a man perform the duties that he has not understood? The things in their very nature, as the terms in their grammatical value, are so inseparably connected, that the disunion takes sense from the terms as reality from the thing. How then to us do they appear disunited? How to us can they separately exist? It is because when we speak of policy we exclude the obligations of justice, and with practice not just, religion can have nothing to do. Religion that is fruitless faith, and policy that is lawless practice, are disunited, because severally changed.

Politics, we understand, as designating *whatever is done*. The people from whom we took the term used it to designate that which they *ought to do*. It is with us the accidents that happen, it was with them the service that had to be performed; it is with us news that is heard; it was with them the science that was taught. We have taken their word to represent our condition—the term that designated health we apply to corruption; masking from ourselves health on the one hand, and malady on the other,—which has only to be seen that we may be cured. We are all sufficiently careful of our fleshly existence, and we are perfectly certain that if we breathe impure air and nourish ourselves with deleterious food, ignorance will not bring impunity; and yet we will take no care to prevent the entrance into our mental existence of breath that is corrupting, and food that is destructive. False terms, as poison, once admitted, work their evil way in us, and our will is then no antidote. But if each man would rejoice to see again Religion and Politics brought back to their true and healthful use and application, then do we misuse them not by desire to do wrong, and we are not naturally indisposed to what is just and dutiful. But noxious weeds have been sown, and in the richness of abandoned soil they have flourished, their harvest has sprung covering the earth with a rich vegetation which exhausts the soil, and which pleases the eye without supplying the wants of man. We have allowed, while

slumbering, the evil seed to be sown, he only that is awake will labour to clear the ground. Take now these seeds, examine, weigh them, if you find them wanting cast them away. Whoever would be the husbandman of his own breast, will weigh his words, and then will he discriminate between useful plants and weeds, and then will his labour be with profit, and the richness of the vineyard which God has given him to till will become of use.

As an assistance in such an effort, we shall endeavour further to fix attention upon the words Religion and Politics, by shewing, that in all religions as in all laws, are established obligations and duties, which we to-day no longer recognize in the one or the other.

Religion is of three kinds, revealed, natural, and imposture.

Revealed religion teaches justice. For the Christian, the observance of the law, the prevention of crime and sin, and not its perpetration, is a duty and therefore a character; and unless the duty is performed the character is lost. And as it is not the utterance of a word but the possession of a character that qualifies, and as it is by the fruit that the tree is to be known, it is he only who does what is just who is a Christian, whether in his individual capacity or as member of a community. And if professing to be a Christian he does what is unjust, he forswears his faith.

Natural religion teaches in like manner that man must do his duty to his fellow-man, and it is from the supremacy of one law of right that it argues to

the existence of one Creator and one Ruler of the world. Whoever then professes natural religion, admits the obligation of doing justice; and if he does not perform it, he belies the doctrine he teaches, and falsifies the argument upon which it rests.

The four great religious systems of antiquity and the East—that of Confucius, Zoroaster, Menu, and Mahomet, coincide with the requirements of revealed religion, and the arguments of natural religion; and they impose upon their followers, not only to do justice, but to love mercy. These systems not separating religion from politics, establish in various forms spiritual and religious checks over those who are put in possession of temporal power, lest they should use that power within the state or without, unjustly.

Justice then, and religion, of whatever character and form, are inseparable. Religion, of whatever form or denomination, adds its authority to the instinct of justice already within every man's breast, and from which it derived its first sanction and its original form.

Could a religion exist that did not enforce justice? The world has not yet witnessed such a phenomenon. Religious, as political bodies, when they become great, do unjust things, and thus the original impress and end are extinguished, but their power has been derived from their real value and their uses—not from violence and abuse.

Those who having cleared away the confusion of terms have seen deeply into the heart of man,

and distinguished what was there first and indelibly engraven, have become lawgivers, and founders of systems and of faiths. No commandments were required until mists had gathered over and obscured the tracing of God's fingers. He was a lawgiver, who could best discern those bright lines, and he became a king when power was requisite to curb wild desires which the conscience of man himself reprov'd. The lawgiver, supporting conscience by the sanction of justice, and the king, imposing by the power of the state, the law which was its expression. By declaring the right when obscured by doubt, by enforcing it when assailed by violence, authority has been conquered over men, protection has descended, allegiance has arisen; it is thus that states have been created. The authority thus raised on high redescending on men reimposed the obligation to do that which was right, and this obligation became the basis of the double allegiance which they owe, temporal and spiritual. The first authority arose from domestic charities; the second from the fear of God; the third from the passions of men; the fourth from their danger or their crimes. The first was the patriarch; the second the priest; the third the judge; the fourth the king. The first kings of our race, when they occupied by conquest and settled by robbery, were war rulers, and became requisite in peace, because our modern societies did not grow from the increase of families but were established by violence. Not so those more ancient, and not less majestic personifications of regal dignity. The first

kings of primeval societies were judges, and the sovereigns of the state were the high-priests of the people. As the power was one in the state, so was duty in the breast of the citizen. But when man considered it one thing to be just and another thing to be pious, or rather when he considered it not impracticable to be unjust and superstitious, then was the judge and the priest driven forth from the breast of the ruler, and the patriarch became a monarch. Then were two governments established, the one temporal the other spiritual; and at first the decrees of rulers coincided with the commandments of God, and the instincts of the conscience of men, and the church, controlling the acts of those rulers, prolonged the connexion of politics and religion, by keeping men and rulers within the limits of duty. By the gradual growth of error, of system, of faction growing out of error, religion and politics decayed and diverged, and the Church either losing strength as a body, or justice as a faith, became powerless or fanatic. The agreement that reigned, whilst the two authorities coincided, degenerated into dissension and conflict, or into still more fatal unanimity, by the domination of fanaticism over law, or by the subserviency of bigotry to despotism.

Such has been the history of the rise and fall of States, until the appearance of Christianity, which divides time into two epochs. The Christian religion came in the midst of a wreck, and chaos of the past,—chaos of forms not of elements, of institutions not of matter. Christianity approached in

another form, and for another purpose. It came to rectify. It came at once to struggle with men and princes ; it entered the world suffering and combating,—suffering from power and blindness, combating with guilt and sin.

Thus, from the earliest records of organic institutions, down to the times in which we live, through all fluctuation of decay and recovery, of conquest and subjugation, all men in all ages have had at once a faith and a government ; and every man that is now born into the world is bound in indefeasible allegiance to the one as to the other. As there are laws of men, as there are commandments of God, visible administrators of either law or service have been raised up, because men have judged this requisite for their maintenance, interpretation, enforcement, and permanency ; and they have bound themselves in obedience to these authorities. But this double allegiance which we owe, is not to the man, but for and by the law,—the law of the land to the King, and the law of God to the Church ; and there is not amongst us one man who can by ignorance escape from the penalties of the infraction of the law by his rulers ; nor is there one man that does his service to his God or his country, who in such matters is ignorant. These two laws, and this double allegiance, coincide in the graver matters that are enjoined by them,—as for instance, in respect to theft and murder. Supposing theft and murder are committed with impunity, all law is set at nought ; and if the law is altogether broken where it is broken in one point, how much

more is it when it is broken in the highest point? But these crimes are not only commissible by individuals, but they are so by communities; and if we suppose the case of a community committing murder and robbery, we have the same consequences as if murder and robbery were the habitual practice of each individual separately. A community that commits murder, and that robs in its corporate capacity, has set at nought the laws of the land and the commandments of God,—it has rebelled against all things that are sacred to man—his instincts within—the bonds which unite him to his fellow men—the laws which are in common instituted—the allegiance which he owes to his sovereign—and the profession which he makes of his creed; and a community composed of such men is expressly accursed by its Maker: for he is accursed who sheds his fellow's blood; and he also is accursed who removes his neighbour's land-mark.

By the intention of all law, human and divine—by the end of all law—by the sacredness of every obligation—by the claims of every allegiance—by the commandments of every system—Religion and Politics are inseparably connected. The man who perpetrates a crime violates both laws, Divine and human. Thus are religion and politics one in what they enjoin, or in what they forbid; infraction of the one cannot take place without rebellion against the other. The King that violates the Law, the people that make an unjust war politically, sins against its faith, as much as the Priest sins against his allegiance, who has not taught that such sins against God

are crimes against the State, and who does not repudiate and denounce them when committed. The Statesman that despises the obligations of religion, the Churchman that disregards the business of politics, are as guilty in the very abstinence as any crime can make them, because acts are only the symptoms; guilt is in the condition. What is commanded to each is commanded to all. It is commanded to the State as to the individual. Punishment is decreed no more against those who commit crimes than against those who instigate others to their perpetration, be they private men or men in authority, be they subjects or princes. Vengeance is denounced against the State as a State, against the men as men; punishment temporal upon the community, spiritual and eternal against each of the members of which it is composed.

By the language of the laws of England, as well as by its whole tenor and enactments, is identity, and not disunion, established between religion and politics. In the Statute of Appeals this definition occurs:—“*That part of the Politic Body, now usually called the English Church,*” afterwards, “*that other part of the said Body Politic, called the Temporality;*” and it is said that “*both their authorities and jurisdictions do conjoin together in the due administration of justice, the one to help the other.*”

We have in the original of the term Religion,—in its application among the nation when it was first used,—in the faith of Christ to which we have applied it,—in the doctrines of the church which

sprung from that faith,—in the constitution of England with which that Church is associated,—in the laws of the land which establish alike Church and Constitution, the clear, distinct, emphatic recognition of the connexion of religion with the duties of men.

Turning again to the value of the word “Politics,” in the language from which it is derived, in the thought of the people who used that tongue, in the practice of the state composed of those men, we have that term as the definition, not merely of the duties of man to the state, but the qualification of a reasoning being.*

Supposing the case of a nation, who violated their laws, and yet professed to believe in a religion that institutes them, and to be the citizens of the state that enacts them, would there not be for it a necessity to make its religion consist in abstractions, and not in duty, and their citizenship in practice, and not in law? Would not such a people say religion and politics are disunited, even though they knew it was a lie they uttered; and if a people, not knowing it to be a falsehood to say that religion and politics were disunited, did say so, would it not be ready for the perpetration of any crime? Would not again, such a people, each separably, disassociate itself from the acts of the community, profess to

* The epithet “politic”, was equivalent to the word as at present used “civilization;” living in a State in which there were laws instituted and obeyed, duties recognized and performed, as distinguished thereby from savage nature. Further, “reasoning” and “political” were convertible terms. Thus Aristotle — “*ανθρωπος φυνει πολιτικον ζων.*”

have nothing to do with them, and to be irresponsible? But such a man, would he not be the personification of that reprobate and lawless being, which those have pictured who have endeavoured to impress upon man the necessity of duty and obedience, by shewing him how despicable the out-cast is who lives without God in the world? The man so pictured lives in every human being that walks this land of Britain.

The last case then has arisen in England, to call forth the energies of faith or of law, and to place in evidence before the eyes of men the benefit of obeying them. When such great and momentous changes are in course of operation, some, standing up upon the bank, mark the course of the overpowering current, and comparing the purity of the early source with the foulness of the descending stream, gain strength in the contrast at once to feel and to denounce. A Roman standing thus and so moved, speaks as follows of the laws, of which he learnt, from the lawlessness around, the beauty and the power:—

“ There is, indeed, a true law, a right reason, congruent to nature, diffused in all, constant and eternal, which calls to duty, ordering, which forbidding, deters from fraud, which neither in vain orders or forbids the upright, nor ordering and forbidding moves the unjust. From this law can no man be absolved, either by the Senate, or by the people. Nor have we to seek any expounder or interpreter of it to us. Nor is there one law of Rome, one of Athens, one now and hereafter another. But it is

of all nations, and of all times,—one law and eternal, as is God,—the master and ruler of all. He is the author, dispenser, and giver of this law, and whoever obeys it not, flies himself, and despises the nature of man, and in this endures the gravest of penalties, even should he escape those things what men esteem punishment.”*

Government is established to do justice between citizens. If the power, placed in its hands, be used to make the citizens commit injustice on other nations, this is the most fearful of crimes, and causes the obliteration of internal liberties, as well as of rectitude and religion. “No nation,” said James Akenside, “ever suffered in its liberties at home, without having first violated the laws of justice against its neighbours.” Every consideration of prudence as of honesty, requires from a people the utmost care that the government they have instituted shall not itself become, and cause them to become, the violator of the public laws of nations, and of men. When such a contingency arises, then the last appeal is to the church, and it belongs to its dignitaries, by addressing themselves to the consciences of men, and expounding and making clear to them the violation of the law, to arouse those guilty consciences from their slumbers, and thereby arrest and prevent such calamities. Such was wont to be the case formerly in Christian lands,—it has ceased for a while. Anything may be done by the modern governments of Europe in the name of their nations ; because these nations, though they

* Cicero *De Republica* fragment.

call themselves free, give no heed to their politics, and religion amongst them is lost, even to the very thought of teaching justice. The knowledge of public affairs, being thus obliterated in each nation, is so in all, and no restraint remains over the aberrations of one government by the sense of justice in another government or people ; and when men neither know their duties, nor perform them, what must ensue, save confusion ?* But when the minds of men are confused, how can any business be attended to, or how can any evil be remedied ? Every action, every agitation of theirs tends to augment the evil which produces it. Then the refuge is indifference to what is done, or the dogma that ignorance shields from responsibility. This is the case in which the government of the state becoming base, the Church, instead of struggling against it, becomes submissive.

Let us take an instance, to shew that these are no vain images or fears. What has England, a *Christian* people, done in China ? There was neither that which made war legal, nor was there that which made it necessary and just ; nor, were there

* "History," says De Maistre, "has been for three centuries a grand conspiracy against truth." The historian of the "Revolutions of Europe," puts it more intelligibly when he says, that "the disregard of nations for law and justice, during the last hundred years, has made History more difficult." But then, on the other hand, the organ of the late administration of England (the *Edinburgh Review*,) consoles the world with the assurance, that "the folly and wickedness of war is now recognized by all civilized communities !"

steps taken to obtain reparation; nor were the prescribed forms of the law obeyed in England; yet was blood shed and land-marks removed. This Christian people robbed and murdered. Yet, this people had a Church. That Church is a very powerful body. To its members and representatives, and to its head, place and station are given,—the very highest. Prelates sit in the great council of the realm, in the privy council of the monarch, and to the chief of that Church the Sovereign makes oath to maintain the statutes of the realm. Yet from that Church no withering denunciation has come forth, no excommunication is hurled, no appeal addressed to the nation, no call to repentance. As citizens, as chiefs, as prelates, as barons, as members of the privy council, they are silent and consenting. From no man, teaching the religion of Christ, in England, has there proceeded, by act or word, either an attempt to prevent, or an attempt to punish. What then is the Church of England? Is it the Church of Christ? Is it the enforcer of the justice that religion teaches?—of the duty of citizenship that the law of England requires? No; and yet it is for these purposes it is instituted—that these preachers are ordained—that its authority is possessed—and that its wealth is conferred. But whilst this Church renounces the commonest duties of Christian, it ceases not thereby to be fanatic. When, to teachers of that Church, their guilt has been shewn, they have answered as follows:—“We sift not the inscrutable decrees of

Providence ; no doubt what is suffered is suffered for a wise purpose, and these events have opened a door for the Gospel in China.”* Having separated religion from politics, they knew not what human acts were. There was no crime in murder, and no guilt, in the people who inflicted the blow. To them, therefore, the atrocious crime of salaried assassins from Christian England, are the acts of the God of justice and of mercy, and the guilty men who sent them forth are only the ministers of *Providence*. The abhorrence for the name of Christian which such acts must produce, is to them the fit preparing of the way for religion, for charity, and faith. Such were the acts of the politicians, such the judgment of the religious ! Is it not then clear that the separation of religion and politics is the extinction of faith and citizenship ? Where such separation exists, religion is sacrilege—citizenship a lie.

These considerations lead us naturally to look to the condition of our church in England at this hour. In the ensuing number we shall deal in like manner with the other Religio-Political systems of Europe.

* So the politicians in their walk cry out, “We will do evil that good may come.”

“We do not mean to justify,” says the *Times*, speaking of Scinde, “those aggressions, because of the success that has attended them ; but at the same time we do not hesitate to affirm, that *as things have turned out*, it is the duty of the Indian Government to make the best use they can of this new acquisition.” Since you have robbed, it is your *duty* to lay out the money profitably ! It is for this we shall hold you responsible ! Such are the politics of the *wise*—such the religion of the *pious* !

ERASTIANISM OF THE CHURCH OF ENGLAND.

THE Sovereign of England is Head of the Church of England ; but it is not that the high priest is king. This headship has not the effect of making the state religious, but of making the church worldly.

Under Henry the Eighth, it was by statute enacted, "that the King should be reputed only "supreme Head of the Church of England." The clergy did not concur in this assumption, and they thought to have gained a victory when they were suffered to annex a qualification in their recognition of the statute of Parliament. The clergy in the convocation of Canterbury declared, "We acknowledge his Majesty to be sole protector and "supreme lord of the Church of England, and (so "far as it is lawful by the law of Christ) also supreme Head." The value which the church then attached to the designation "supreme head," is further illustrated in the twenty-seventh article, where it is said that "they (princes) should rule "all estates and classes committed to their command by God, whether they be ecclesiastical or "civil, and restrain with the sword the stubborn "and evil doers." The Church then recognized in the King only the chief of the state, and did not recognize in him, as applying to the Church, that character which belongs to the metaphorical expression "Head," which is chief organ and depository of

knowledge, and source of all judgment and action. This is, however, what was claimed by the parliament for the King when they declared him "supreme Head" of the Church. The clergy do not dare to grapple with the assumption and the deception, and merely seek to evade the consequences, by reservation and qualification. The clergy repudiated the intervention of the temporal authority in the government of the Church, and the civil government imposed upon the Church the obligation of obedience to the civil authority of the King, not indeed in matters of doctrine, but in those matters which affect the character and integrity and independence of the depositaries of its doctrine, the rulers of its conscience, and the moulders and directors of its moral and political constitution. These are the Prelates; who, while governors of the Church, are also barons of Parliament. These men, who had stood the bulwarks of rights as well as of faith against every oppression and usurpation, were now, in this change rendered in their double character of baron and prelate, mere subordinates to the King, being appointed by him. From that hour the Church ceased to have existence as a political body, as a body in the true sense political, looking to the law and justice of the state, and exercising its power to repress evil in those who are placed so high as to be beyond the control of the ordinary laws.

Thus was the Church unmade as a Church, and a complete revolution of the circle was effected, beginning from the point where the high priest be-

came the King, round to the point where the King displaced the high priest.

From this time the Church of England never raised its voice against any crime or sin committed by the nation in its corporate capacity.

“But,” says the Church of England, deprecatingly, (article twenty-seven) “we give not to our “princes the ministering of God’s word or of the “sacraments.”—No. He may be Head of the Church now-a-days who is not qualified nor ordained to perform its meanest functions ; and what more can be said than that one who is not suffered to minister the word or the sacraments, should yet be “head of the Church !” The Church, the congregation had originally the appointment of its pastors, and there being but one organized congregation of Christendom, the Bishop of Rome exercised this power, but still as the depository of the authority of the general congregation. When we separated from Rome, the question arose of the *foreign* influence over our Church, and instead of the power of the congregation being withdrawn from the Pope and *restored* to the congregation within, a question arose of *foreign* and *national allegiance*; the Church did accept the King as their spiritual chief, yet the Reformers marked their opposition to Rome by the transfer of the spiritual traditionary allegiance from Rome to the head of the English Government. The Church being now effaced in its political character, when, let us repeat, in its character of justice and knowledge as applied to the highest duties of citizenship, it became exclusively

doctrinal, and therefore came the habit by the corruption of the practice of marking the difference between the terms religion and politics, and the subsequent practice of calling the one opposed to the other, thereby justifying the aberration in practice by the perversion of terms. The Church, its higher dignitaries being appointed in this manner, is thereby brought to such perfect subserviency and servility, that since the supremacy of majorities has been established in England, on no occasion since this change have the prelates of the Church resisted any act of the nation, as a nation, that was injurious, that was wrongful, or that was criminal ; from which time they are wholly effaced and extinct, as acting upon the public conscience, or as controlling public acts. The thought of doing so has equally vanished ; but it is not that the Church of England has, therefore, become Erastian. That word, referring to another age, implies a more positive sense than belongs to our habits. For Erastianism there must be despotism in the Government, and co-operation in the Church. In the Government there is no will, and in the Church there is no co-operation. The Government commits crimes, being unconscious of evil purpose ; the Church endures them, being ignorant of the law. The Government would indeed be sinless, if sin required intention, and the Church would be pure, if ignorance could make innocence. There is, then, in the Church of England, no Erastianism. The Government of England does not want the assis-

tance of the Church to cause its will to be obeyed, and its crimes to be endured ; and Erastianism implies the support of a worldly authority, not the partizanship of this or that Prelate with this or that faction, which constitutes the present connexion of Church and State. There is in England divorce between religion and politics,—the faith of this people and its duty as Christians, interferes no way with acts which are the reverse. Christianity is looked upon by each man as a profession which renders him incapable of sin—he being a Christian, does not sin in doing these things that are sinful—it is a charter by which he obtains immunity from obligation, impunity in transgression—it is a protection with which he comes into court, and which he pleads against every charge, with which he meets every evidence—and the possession of a law and a faith that requires that man shall do unto others as he should wish they should do unto him—which had commanded peace upon earth, and good will to men—which has enjoined to do justice and to love mercy, becomes to the people professing the faith and avowing obedience to the law, the extinction in their source of every sense of guilt in its most atrocious commission, and of every feeling of shame in its most dastardly perpetration.

The Church of England, subjected to the authority of the monarch, followed his fortunes ; the monarch becoming gradually degraded, the Church also further suffered in his degradation, and that

Head of the Church, that has superseded and suppressed that Church's rights and authority, is now itself but the shadow of a power that is, in reality, possessed of a minister whom the Parliament appoints. But in this Parliament there is a shifting of opinions and majorities. The minister is, in like manner, shifted,—now of one colour, now of another colour. The Church is thus rendered subordinate to the rule of the King,—the King to that of the minister ; but the real king is only a temporary one ; he is not like the Peishwa of Sattara, nor the *Maires du Palais* of France,—he changes from time to time, and the new one belongs always to the opposite sect ; consequently, there is a continuous casting in of the elements of factious discord, through the supremacy of the Crown, upon that Church which calls itself spiritual and not temporal, which considers itself absolved from political duties and removed from factious agitation ; so that, while that Church absolves itself from all duties of citizenship, it is not horrified in seeing itself converted into a means of supporting and of recompensing factious partizanship ; and thus is that expression “ Religion is distinct from Politics,” no less a deceit in its very worst application, at its present hour, than it is a perversion of the most sacred duties of man,—than it is a misinterpretation of the plainest terms of language.

PROGRESS OF THE DRAMA IN SERBIA.

“ *Serbia, July, 1843.*

“ THE good order and the spirit of conciliation amongst
“ the Serbians is remarkable. After the election, that is
“ the re-election of Prince Alexander, the Senators that
“ had emigrated with Prince Michael and that had re-
“ turned for the re-election, presented themselves at the
“ Senate, (amongst these was Melita, the most distinguished
“ and the most respectable of the partizans of Prince
“ Michael) M. Simitch, vice-president of the Senate, ad-
“ dressed himself to the restored senators. After having
“ deplored the cause of their having quitted their native
“ soil, he invited them to retake their places, and concluded
“ with the expression of fraternity and good will for the
“ future. The returned Senators made confession of their
“ error, and promised henceforward loyalty to their Sove-
“ reign and to their country. This event has been pro-
“ ductive of the most satisfactory consequences throughout
“ the whole country. M. Ali Garatzch, conductor *per interim*
“ of the ministry of the interior, whose father was so cruelly
“ assassinated by order of Prince Michael the day of the
“ revolution, solicited the pardon for the assassin, as he was
“ only a soldier executing the orders of his chief. M.
“ Bajavitch, formerly minister of Prince Michael, and
“ organiser of the rebellion of the Bulgarians against the
“ Porte (which was concerted between the Cabinet of St.
“ Petersburg and Prince Michael) has been liberated
“ from prison, as also the famous Melchitch, and all those
“ who have been arrested for political crimes. This spirit
“ of conciliation has gone further than any one could
“ have dreamt, but without any evil consequences hitherto.

“ All the European journals inform us of the bad dispositions of Lord Aberdeen, and the English Consul appeals to them, as shewing approbation of his conduct, and blame of the conduct of Sir S. Canning.

“ Servia will, however, lean, and will lean only on the Ottoman Porte. She remains, and will remain faithful to her Suzerain Court. She does not fear the intervention of Russia, but she fears the leaning of Rifa Pacha to the counsels of Austria, and the complacency of England and France towards Russia.”—PRIVATE LETTER.

“ *Belgrade, July 29.*

“ When Baron Lieven announced from Semlim to the Kaimacans of Serbia, that the berat would not be sent from Constantinople to Belgrade, before Vontitch and Petronievitch were sent out of Serbia, the Kaimacans sent M. Garachanine to the two ministers, to acquaint them with this decision of the Emperor Nicholas.

“ As soon as the intelligence of it was spread amongst the people, on every side the universal exclamation was ‘ We will not suffer Vontitch and Petronievitch to be taken from us ; they are our protectors, our benefactors. If the Czar has accepted the election of Prince Alexander, let him also leave us Vontitch and Petronievitch, we will be grateful to him ; without that we will have nothing to say to him, we will defend ourselves.’

“ The same sentiments pervaded the whole country. There seemed an impossibility to believe in the removal of these two ministers. Men were heard to exclaim, ‘ We will not have the Prince without Vontitch and Petronievitch.’ The Kaimacans and Hafiz Pacha, with two other Turks, repaired to Cragiovatz, with the proposition addressed to the two ministers ; they said that they would leave the country when the nation allowed them to depart ; without that they could not obey, because

“ then they saw no guarantee for the security of the country.

“ That security is menaced so much the more, that the Baron de Lieven is actively engaged in preparing troubles. The moment of his arrival, in concert with M. Vatchluko, he encouraged Mileta Katitch and other emigrés, and freed state-prisoners, to disperse in the interior in order to organize an insurrection against the present order of things, whilst Nircath and Herbez, agents of M. de Lieven, intrigue at Belgrade. The presence and the presence alone of the two ministers restrains, and will be able to restrain the explosion of these intrigues.

“ The three Serbian Kaimacans have exposed the state of things to the Pacha and even to the Consuls, and made it clear, that to satisfy the desire of the Czar Nicholas, Serbia will be pushed upon inevitable dangers which will fall back upon the Porte, and which will be very disagreeable to the powers of Europe.”—PRIVATE LETTER.

“ *Constantinople, August 3.*

“ On the arrival of the news of the return of Baron Lieven to Serbia, a meeting was held at the Divan on the 27th July. Rifaat reproached the Russian minister with opposing the berat, after Russia had by anticipation consented to the re-election of Alexander. Two days later the Turkish Minister repeats this step, and requires to know if after the departure of Vontitch and Petronievitch Russia will be satisfied, and that the Porte will then be able to expedite the berat. M. Titoff replies that he believes it may then be done, but that the Emperor has reserved to himself alone to decide upon this matter.*

* The Treaty of Adrianople, says the Porte will regulate, in concert with the Serbians, the affairs of the country, but to day it is that which the Porte regulates in concert with the Serbians is counted for nothing against the will of Russia.

“ Austria and Prussia support the steps of Russia ; the
“ Ambassadors of England and France hold back from all
“ interference in the affair.

“ On the 27th the Divan wrote to Hafiz Pacha to
“ strengthen his hands, and on the 29th wrote to Vontitch
“ and Petronievitch to repair to Viddin, and at the same
“ time to Hossein Pacha to receive them in a befitting
“ manner. The neutrality of the representatives of Eng-
“ land and France, especially of the former, who had be-
“ fore taken the initiative in these proceedings was en-
“ couraging.”—PRIVATE LETTER.

“ *Constantinople, 9th August.*

“ Rizza Pacha is accused of having attempted to restore
“ the independence of the Porte, and to have failed ; Prince
“ Alexander of Serbia will only have to accept the hand
“ that is stretched out to him. He has abandoned Von-
“ titch.”

“ *Belgrade, 14th August.*

“ The assembly was held at Cragiovatz ; on the 9th the
“ two ministers have declared that they considered it neces-
“ sary to withdraw. Yesterday they arrived at Belgrade,
“ and descended by the Danube to Viddin. Prince Alex-
“ ander is on intimate terms with Baron Lieven.”

AUGSBURGH GAZETTE.

We had the singular gratification of announcing, three months ago, the discomfiture of the art of Russia, by the simple integrity of the Serbians. We had the gratification of witnessing and pointing out the restored confidence of the Turks in the Serbians, by the fact of her assault and its discomfiture. We have now, alas ! to announce, that

after all Russia has remained mistress of the field; not because she has triumphed, but because she has friends.

Russia was unable to prevent the Serbians from re-appointing their Prince. After he was re-elected and after they had done it, she has succeeded in preventing the Ottoman Empire from re-investing him. Russia was unable to drive the Mussulman Government into an assault upon its Christian subjects—she has succeeded in driving out from amongst their brothers Serbia's patriotic ministers. Shame upon Europe that she should have ever had to struggle.—Shame upon Europe that by such strength Russia should be beaten. Again, shame upon Europe that she has suffered the prize to be lost after the victory has been won!

Russia has constantly her whole power available to be brought to bear upon any point. Whatever is to her an object great or small, deserves and receives the support of the full energy of her faculties. Those who are opposed to her, may master their energy at times, but it will only be upon some great and pressing necessity. For the re-election of a Prince all the energies of the Porte and of Serbia were called into play. That energy could not be ever on the stretch, nor that union constantly unshaken.—She fatigues by iteration of assault and disarms by the inferiority of the points assailed. But to Russia, the chief point is whatever may be attained. As in the assault of a beleaguering force, the failure of attempt is no defeat, so that it may be renewed.

Can Europe look quietly on such struggling patriotism, and such relentless crimes, contemptuous of the one and benevolent to the other!

Here there is no oppression of a Christian people, by an Eastern and barbarous power—none of the pretexts that served in the affairs of Greece, to account for Europe's activity and acts. Then Russia appealed, and not in vain, to your sympathies, for a Christian people oppressed by an

infidel master. Now it is she herself, that is at once the oppressor of the people, and the master. It is she, who drives that Empire to acts of violence against its Christian subjects, with which hereafter she will feed your fanaticism. You great and intelligent European people, do you now assume the defence of the oppressed Christian?

Some while ago, you took part with the feeble against the strong; now is the occasion to shew mercy and to do justice. But you pity or despise, you love or hate, you are inert or busy as it is required of you. As to the common herd of Europe, it is futile to address words to them; but there are a few men accidentally cast into a certain position, where the rectification of affairs, the moment they see their way, is within their reach. These are the Ministers of England and France. Is there no chance that some one of these men may be moved by the sense of degradation attached to such a condition? or if from men manhood has been altogether divorced, is it not possible that some one of the wives or daughters of those men, should feel that there is here shame for our race and name, as well as danger, and thus move a husband, brother, or a father to consider whether it be on such matters as are debated in the House of Commons, that depend the fate of Britain, and the honour of her sons.

NORMAL ANOMALIES.

“The German news-paper reader merely wants entertainment, and he has learned by experience that this is the only value of political events.”—CONVERSATIONS LEXICON.

THE Indian mail informs us of the success which our Government has had in violating the laws abroad. The daily journals inform us, of their powerlessness to maintain law at home.

From China we learn the ratification of a bond, the crowning act of successful murders and piracies on that coast.

From Scinde we receive intelligence of reiterated success in bloodshed and devastation.

From Ireland, from Wales, from Scotland, we receive intelligence of reiterated successes in disturbing the public peace, and in setting at defiance the law.

It is a remarkable fact, that there is no man in England, who connects the effect with the cause, and who sees that those who break the law, cannot keep the law, or be kept by it.

From Halifax, we learn that two American vessels were found infringing the treaty by fishing within the prescribed limits, the fact that they were violating the treaty having been ascertained, a shot was fired across their bows, and they were left in peace to continue their depredations.

From Greece, we have intelligence of a Revolution in a state whose liberties were guaranteed and established by England.

From Constantinople,—the lamentations of our merchants, because of sufferings inflicted upon them by a treaty, which the English Government proposed for their benefit.

From the Eastern coast of the Black Sea,—encroachments by an ally on the territories of a state whose integrity we have guaranteed.

City and Bow Street Police Office reports, inform us of the failure of the first attempt, under the Treaty of Washington, 1842, to surrender a stranger who had found refuge on the soil of England ; both magistrates having refused to grant a warrant for the extradition of the prisoner, in consequence of the inaptness of the English Government's own Treaties, and their own new bill to effect their purpose of destroying the law of England.

Aggression of our Government against weak States, subserviency to strong ones, defiance of the laws, by which they are bound, a gnawing away of their laws for the benefit of others, and total inability to enforce them where they attempt to do so :—

Such are the attributes of an English Government,—such its practice.

These things constitute the familiar events of the times, and the current news of the day ; at these things the nation is not astonished, but rather delighted, since they are attractive as news.

The Governments of Athens and of Rome, expended money for the supplying of the necessities or the gratification of the tastes of the people. Corn was purchased in Sicily, and at Byzantium ; wild beasts were brought from Numidia, gladiators from Britain and Gaul. Thus were the Roman people diverted from the too intent consideration of public affairs. But the Government of England has done better than this. It has converted public affairs themselves into Dramas, and has succeeded in diverting attention from its acts to the scenic effects which those acts produce.

The diversion of the combats of wild beasts is indeed exploded. But the gladiator exhibitions are not now confined

to the circuit of the Colosseum. It is not now some few Britons or Goths, whose agonies are to elicit the admiring plaudits of a Roman populace. A wider arena is now thrown open to such like combats, and it is with the sight of blood flowing from British veins, far and near, or shed by British hands at the extreme limits of the world—that British men are now delighted. By such triumphs, where they can triumph with impunity, or by wise concessions where they have judged such to have been “expedient,” the Governors of England, not only divert the attention of the people from their (the Governor’s) acts, and their own (the people’s) affairs; but gain high commendation, and are lauded as patrons of religion, peace, and commerce.

Nor are the people behind-hand in ingenuity with their Governors. The people of Byzantium, even in their last stage, confined their factions (as nations will be factious in decay) to partizanship with jockeys and charioteers; even while the State could be divided between the rival colours of the hippodrome, these degenerate men still could hold Ministers and Emperors amenable for their conduct, and reprehensible for the sufferings or disasters of the State. They examined—they censured,—they even had the daring and the virtue to punish and avenge. Great men and monarchs had, before their eyes, continuously the fear of consequences, the dread of danger, and the thought of death. Now our enlightened and civilized people carry up their factions to a loftier field, and select their favourite charioteers and gladiators from amongst their rulers and their masters, and justly discharge, from all personal responsibility, men who are only engaged in feats performed for their amusement.

THE CONSCIENCES OF MILITARY MEN.

OUR observations upon the consciences of military men, and the simple statement that the soldier obeying an unlawful order, is not relieved, in the eye of God or man, from the crime that he undertakes to commit, has given rise to much remonstrance and observation, even on the part of some of those who are enlisted under the same banners as ourselves, —of law against abuse, and of truth against opinion. They cannot free themselves in an hour from the habit of their times, which is to consider lawful that which a government does, nor suddenly revert to the habit of their fathers, which was to see that their governors only did that which was lawful.

The following letter contains valuable authorities, as bearing on the responsibility of military men, before the law, for the acts they commit.

“MY DEAR SIR,—I understand that you are desirous of knowing from some English lawyer, the authorities for the position, that “English soldiers are amenable to English law.”

“How to answer a question which, when stated, answers itself, is my only difficulty! Over and over have I turned it, but without being able to discover where your difficulty is. Lord —— I can understand, if, as I surmise, he is a party interested. Assuming him to be a military officer I can conceive his Lordship, like the French nobleman of the ancien régime, “depending upon it that God Almighty will think twice before damning one of his quality.” It is the common consolation in such cases. It is the consolation *quand même!*

“But *your* difficulty I cannot comprehend. Consider for a moment the question. What is the soldier? A citizen who serves the State! By what authority does he serve? By authority of the Law! Can the law authorize its proper violation? Thus (not to you, but) to those who

claim impunity for the soldier, as such, I oppose a preliminary difficulty, which I do not see how they are to overcome. But I care not to entertain them with this negative evidence, however powerful, of their error. They want "authorities." Let them take their fill!

"The opinion, said Chief-Justice Mansfield, of a soldier's incapacity to perform the duties of a citizen is *erroneous in the extreme*. By his assumption of a military character, he does not put off that with which he is invested, *as a member of the commonwealth*."—(Burdett v. Abbot, 4. Jaunt, 449.)

"If a superior officer imprison an inferior officer for disobedience to orders, made *under colour, but not within the scope* of his military authority, he is liable to an action of trespass, at the suit of such inferior officer; and this, although the imprisonment be followed by a trial by *court-martial*."—(Warden v. Bailey, 4 Jaunt, 67.)

"If an officer, in imprisoning a soldier, *acts under the orders of his commanding officer*, he can justify the imprisonment, *if it were justifiable on the part of the commanding officer*."—(Bailey v. Warden, 4 M. & S. 400.)

"If any execute martial law, *in time of peace, it is murder*."—(Hales Pleas of the Crown, 46.) "*Ubi bellum non est, pax est*." (p. 160.)

"By the Act of Parliament to punish mutiny and desertion, the king's power to make articles of war is confined to his own dominions. (Bauvis v. Kepple, 2 Wills, 314.) If any of his majesty's subjects shall be charged in England with any murder or manslaughter, or with being accessory before the fact to any murder, or after the fact to any murder or manslaughter, the same being respectively committed on land, out of the United Kingdom, *whether within the king's dominions, or without*, it shall be lawful for any justice of the peace, of the county or place where the person so charged shall be, to take cognizance of the offence so charged, and to proceed therein,